

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF  
MOUNDSVILLE, SEPTEMBER 3, 2019**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on September 3, 2019 at 7:00 P.M.

Meeting was called to order by Mayor Philip Remke, who also gave the invocation.

Acting City Clerk Kaufman called the roll and the following Councilpersons were in attendance: DeWitt, Haynes, Saunders, Vice Mayor David Wood, S. Wood, and Mayor Remke. Absent: Hunt. Also present were City Manager Healy, Public Works Director Stocklask, Police Chief Mitchell, Fire Chief Brandon, Building Inspector Wilson, Parks & Recreation Director White, CPA Goddard and Attorney White. Absent: City Clerk Hewitt-vacation.

**MINUTES:**

**Regular Council Meeting of August 20, 2019.**

Councilperson DeWitt moved to accept and approve the minutes of the regular council meeting of August 20, 2019, seconded by Councilperson D. Wood.

City Manager Healy made a correction on page 8, line 17, should say "First Street" not "Third Street" and Vice Mayor D. Wood made a correction on page 2, line 32 should say "residents" not "presidents". Motion carried unanimously as amended.

Mayor Remke suggested that the word "DRAFT" be placed at the top of the minutes in the future. This in accordance with Roberts Rules.

**GENERAL PUBLIC HEARING:**

Dennis Hall, 23 Oak Avenue, inquired about the 2% amusement tax being on the books and if it is being collected?

Kay Goddard stated we do not charge an amusement tax.

Also, questioned if the City pays B & O tax on the RV park. City Attorney

responded that the City is tax exempt.

Carl Boso, Boso & Son Towing at 305 Tenth Street, passed paperwork to Council from the PSC showing he has no violations. Only one instance where he overcharged a lady but he gave the money back. Had been informed that an individual had requested his tow service but he was not called as he has been removed from the tow list. He stated he is still in business and has a current license. Stated if this continues, he will be contacting his lawyer.

### **MANAGER ITEMS:**

City Manager Healy provided the following report to Council;

1. In response to questions asked at last Council meeting concerning 12<sup>th</sup> Street.
  - a. The State responded that the speed limits are set on 12<sup>th</sup> Street, based on roadway geometry and speed studies, the location of the speed changes and signs were verified. Coming into town, the 25 MPH starts near the Fairgrounds. Going out of town, the 40 MPH starts right near Parriott Avenue.
  - b. The lettering and arrows on the bridge will be replaced as their schedules allow.
2. Continued update on the new software system: The Municipal Fee, Garbage, and Public Safety bills, were printed and mailed on time last Friday. We're still working to understand the overpayment issue. I have also consolidated our checking accounts, going from 30 accounts to 15. This will save a large amount of time. Around the end of the year, I expect to review these 15, and consolidate even more. All checks are now being processed through the system, as well, eliminating the process of typing checks
3. The Request for Architectural Services was published in the Moundsville Daily Echo, Wheeling Intelligencer, and the Charleston Daily Mail, as well as being e-mailed directly to numerous firms. Deadline for the packets is September 19, 2019. I will schedule a meeting with the Committee for soon after to begin review of the packets and distribute the score sheets.
4. Update on the Fostoria Bridge Project – Every time I inquire, I was getting either no answer or a different answer. Enlisting the help of Belomar's Transportation Department, I contacted Mr. Elwood Penn, the DOH State Director of Planning. He eventually e-mailed me back and explained that the funding had been approved at 90% (which we were told some time ago). The details of what pot of money it is coming from or when it is being scheduled is still being worked out. Once those details are worked out, they be in contact about entering an agreement with the City.
5. I had a conference call with Mr. Bob Kiss from the Bowles-Rice attorney firm regarding the TIF Program. Mr. Kiss is a specialist in this area, in fact while a member of the legislature, he wrote the legislation enacting the TIF Districts. He explained the process, timeline, and answered general questions. I need to look at the area and

determine the needs and what type of projects we will use the increment for. He also noted that the Sheriff will hold the account, although the usage is controlled by the City.

6. Community Day was a huge success this year. The Weather Gods looked down upon us and gave us a beautiful day. We estimate that well over 500 people came out to enjoy the day. We served approximately 960 hot dogs, 1,150 bags of chips, 821 cans of pop, 366 Little Huggies, and about 300 bottles of water. I want to thank all our employees and Council people that helped, especially Public Works Superintendent Stocklask and his crew, Fire Department, Police Department, City Clerk Sondra Hewitt and my office staff. We held a de-briefing on the event last Monday, and have a list full of ideas for next year. Look for a bigger, better event in 2020.

7. In front of you tonight is information regarding a donation request for 2019 Fall Fest, which is sponsored by UMAC.

8. I'd like to ask for Council to go into Executive Session at the end of our regular meeting for Real Estate.

9. We are going to participate in the JMHS Homecoming Parade this year on October 17<sup>th</sup> any council persons who would like to walk along, please contact me. Mayor Remke asked if anyone would like to make a motion to take the request from UMAC to Finance.

Vice Mayor D. Wood moved to forward UMAC request to committee, seconded by Councilperson S. Wood. Motion carried unanimously.

## **OLD BUSINESS:**

### **Discussion and Approval of an Ordinance for a 4' Abandonment at 2119 Hancock Street (Running parallel to Olive Avenue side of property) (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, WEST VIRGINIA, VACATING AND ANNULLING A PORTION OF OLIVE AVENUE NEAR HANCOCK STREET IN THE CITY OF MOUNDSVILLE (SECOND READING)**

Councilperson DeWitt moved to approve the above ordinance, seconded by Councilperson Haynes.

Mayor Remke called for a voice vote. Acting City Clerk announced the following tally. 6 yeas. Motion carried unanimously.

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

Councilperson Dewitt - nothing.

Councilperson Haynes asked if Manager Healy had found out anything about the trailer on Second Street behind old Koontz's Market. City Manager will check with Building Inspector Richmond, who is on vacation or the Police Department.

Councilperson Saunders - nothing.

Vice Mayor Wood questioned City Manager about additional audio technology for Council Chambers. Additional microphones will be at every seat, 4 new speakers will be in the ceiling, laptop will be here to utilize with flat screen that will enable room to be used for training by Fire Department, and to remove the old television.

Vice Mayor D. Wood questioned use of 1% municipal sales tax distribution. City Manager informed that a spread sheet will be distributed to Council for the subcommittee meeting. Revenue for commercial sanitation fees and dumpster increases were implemented last month. Questioned looking at the numbers and was informed by City Manager that due to billing going late last month, it is probably too early to determine. After next cycle of billing, should be able to arrive at figures. Has been fielding questions from public and providing clarification on charges.

Vice Mayor Wood questioned the work on Police Building. City Manager informed Council that he had spoken with the Bricklayers Union today and they have scheduled people for two days work. Lift that is needed will be secured from Erb Electric and will be rented by City. Should be about a two week lead time now that he has men available. That would be the soonest we could start.

Vice Mayor Wood commented on Community Day and thought it went very well as did the Movie Night that was very well attended. Congratulations to everyone that worked on that.

Councilperson S. Wood updated on Movie Night and around 200 people attended with about ten or so participating in building a cardboard car. Thanked everyone that volunteered and interest was shown in doing this again.

Jefferson Fridays is going to be held on Friday, September 13<sup>th</sup> on Jefferson Avenue.

Questioned progress on website. City Manager stated that this is moving along and within about a month should have a draft to review. Will need new council and staff pictures and will be scheduling those in next couple weeks.

### **NEW BUSINESS:**

Discussion and Approval of an Ordinance Eliminating Salvage Yards in the City of Moundsville Zoning Codes. (First Reading)

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

### **AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING TO AMEND THE ZONING ORDINANCE TO PROHIBIT SALVAGE YARDS IN ALL ZONES WITHIN THE CITY OF MOUNDSVILLE (FIRST READING)**

Vice Mayor D. Wood moved to approve the above ordinance, seconded by Councilperson DeWitt.

Mayor Remke called for a voice vote. Acting Clerk announced the following tally. 6 Yeas. Motion carried unanimously.

### **Receive and File the City of Moundsville Police and Fire Pension Fiscal Year Reports.**

Councilperson DeWitt moved to receive and file the police and fire pension reports, seconded by Councilperson Haynes. Motion carried unanimously.

### **Discussion and Adoption of a Proclamation for the Month of October 2019 as National Substance Abuse and Awareness.**

Councilperson S. Wood moved to adopt the Proclamation as read by City Manager, seconded by Councilperson DeWitt. Motion carried unanimously.

**Discussion and Approval of a Reimbursement Resolution for the Moundsville Water Board Line Extension & Replacement Project.**

City Manager explained that the Moundsville Water Board had attempted to secure a million dollar loan from a local lender earlier this year. If they secure a loan, it would need to be done by a bond issue. After looking into this with a bond counsel attorney, John Stump, I found that the Water Board does not have the legal authority to borrow money. The City would have to be the entity to do this. The Water Board counsel is under the opinion that the Board has the authority to do this, however, the counsel that I am and the City Attorney have been conferring with states the Board cannot do this. If the City is to borrow this money, the Water Board could not be reimbursed for any expenses it had on the project that occurred more than 60 days previous of the signing of this resolution. This resolution would protect the Water Board and allows them to be reimbursed for any expenses they had. Discussion has been held by the Water Board about not doing loan and paying for the project completely. If they decide to do this, the reimbursement resolution does not mean anything. This does not bind City Council to anything. If Board decides to do a bond issue, this takes care of it. There is nothing that City Council has to lose by signing this. It is a rather involved situation. A memorandum has been included from the bond counsel attorney explaining this. Also, a follow up opinion was received this afternoon that has been distributed.

If Water Board proceeds to garner the loan on their own without the bond issue, I have told them that I will not sign the bank paperwork.

This resolution protects the Water Board and allows us to reimburse them for their expenses that they already have had if in fact they do a bond issue.

Mayor Remke called for discussion. Lengthy discussion followed among Council. Mayor stated that he would sign “under protest” to protect himself and the City of Moundsville because the proper way should have been with a bond issue. Attorney White says this paves the way for the bond issue but does not give them permission to approve any kind of a loan on their own.

Mayor Remke called for a vote to approve resolution. Acting Clerk call the roll. Vote was 4 Nays and 2 Yeas. Councilpersons DeWitt and Vice Mayor Wood voting yea. Motion failed.

Discussion continued with Council members. Question by Vice Mayor Wood as to where this puts the Water Board. City Manager stated that this puts them in a bad place because if they do now come to the City and ask if we would borrow the money for them, the clock is ticking on the money they have already spent and they would not be able to legally be reimbursed for their expenses. This is a predecessor to that as they have already expended funds that cannot be reimbursed.

Vice Mayor Wood questioned if this can be brought back to Council and was informed by City Attorney that it could be.

City Manager stated that Council should keep in mind the sixty days has started. Going to lose another 14 days if brought to next Council Meeting. If they have expended funds previous to sixty days to today, you will lose 14 of those 60 days.

Vice Mayor questioned Council's wishes to reconsider the motion. Motion must be made by a councilperson who voted negatively.

Councilperson S. Wood moved to reconsider the resolution, seconded by Councilperson Dewitt.

Mayor Remke called for a roll call. Acting Clerk announced the following tally. Councilpersons Haynes, Saunders and Remke voting nay. Motion failed

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

Councilperson DeWitt - nothing.

Councilperson Haynes inquired if the City Manager knew if the State has made a decision about signage on Route 2 on new highway. Suggested that people send their ideas to Manager. City Manager did not know. Discussion was held about lighting but not signage to his knowledge.

Inquired about a house on Second Street across from the Middle School. Porch has fallen off.

City Manager stated that demolition bid has been approved and could be done in next couple weeks.

Councilperson Saunders reported a manhole on Pine Avenue that has a hole near it between Center and Second Street.

Questioned trees located at 1601 Center Street facing Cypress Avenue. City Manager said two letters were mailed and spoke with her last week. There was some confusion about what needed done. He had spoken with her and clarified the problem was that vehicles could not park there. Homeowner will pay someone to cut down trees in a couple weeks.

Vice Mayor D. Wood questioned selling benches at the parks and what the cost is? City Manager stated that the benches are \$350.00 for a 6' foot permanently installed bench, which includes the bench, shipping, installation and engraving. Come in three colors: gray, brown and cedar. Have 2 installed currently, 2 that came in next couple days, one ordered and waiting for payment. Trying to get 6 to ring the playground.

Councilperson S. Wood inquired about house at Second & Sycamore. Had heard having trouble with determining ownership. City Manager stated City knows who owns this. Most likely, this will be demolished and lien placed on property. Letters have been sent and refused, which delays the project.

Councilperson S. Wood inquired about an update on Narcan training as to who she can contact to help with this. City Manager stated that Director Tom Cook should be contacted at the Marshall County Health Department.

### **MAYOR ITEMS:**

Mayor Remke requested Council go into Executive Session concerning real estate.

Mayor Remke made a motion to take to Finance next week to consider council salaries for incoming Council that City Manager had provided from other communities for comparison, seconded by Vice Mayor D. Wood.

Mayor Remke called for a roll call vote. Councilpersons Haynes and Saunders voting nay. Motion carried.



Mayor Remke inquired if City Attorney had researched the use of properties to be demolished for fire department training. City Attorney will check.

Issue at First & Grant concerning parked vehicles at Layman's Auto. Concern for traffic due to sight pattern. Mayor Remke made a motion to refer to Traffic to discuss this, seconded by Councilperson S. Wood. Traffic coming north on Grant Street cannot see to pull onto First Street.

Discussion about this being private property and not sure if this needs to go to Traffic Committee. This may be a clear site triangle issue for zoning. City Manager to speak with zoning officer about moving vehicle and possibly meeting with property owner to resolve.

Mayor Remke mentioned Seventh & Poplar area and traffic speeding there. Inquired if "Slow - Children at Play" signs be installed instead of a "Stop" sign. City Manager can have these signs installed.

Mayor Remke asked for update on pool roof project and redesign of the bathrooms? City Manager said that pre-construction meeting is scheduled for Thursday, 9/5/19 for contractors to sign agreement and an on-site meeting will follow. Once agreements are signed, we will have a start date and completion date. Hoping to complete this fall before winter. Bathrooms will not be started until roof project is 75% complete to make sure that we don't encounter any problems with change orders so we are sure of remaining funds. Estimated cost would be about \$75,000 to do ADA work for both bathrooms. Will have about \$50,000 left so City would be putting money into that. No final decisions will be made until first project is completed.

Mayor Remke questioned how many businesses and how much money has been collected through Data Max. City Manager unsure if there is anything at this time. Only have June, skipped July, and August when businesses were sent. Letters are sent and there is a process they follow. City Manager will follow up on this.

Mayor Remke asked about the playground at Park View and combining with baseball teams on Twelfth Street funding for playground equipment. City Manager stated that a check was received today for \$20,000 from the Moundsville Baseball Association, which is \$10,000 from Boys Baseball

Association and \$10,000 from Pirate Charities. The City will be putting in around \$12,000. They will be doing a self install with John White's overseeing. Should be ordered in next couple of days. Park View is set to be ordered. Held off on this until East End completed.

Mayor Remke questioned progress of work orders of junk vehicles. The majority of them are being moved and is ongoing with Police Department.

Discussion of where we stand with the cameras at the parks and monitoring at Police Station?

Recreation Director stated that these are fully monitored 24-7 for East End at Police Station, City Building and Pool by cell phones. Quotes for locations that do not have electric are still coming, which are Twelfth Street (boys and girls fields), Riverfront, Park View, Ruby and Garfield.

### **CONSIDER COMMITTEE REPORTS:**

Mayor Remke announced that the subcommittee meetings will be held next Tuesday, September 10<sup>th</sup> in the order of Finance, Policy and Traffic.

Attorney White requested a motion to receive and file the legal ads that were published.

Vice Mayor Wood moved to receive and file legal ads, seconded by Councilperson Haynes. Motion carried.

### **COUNCIL ITEMS:**

Councilperson DeWitt appreciates the work requests being handled in a timely manner and continuing to move forward with these.

Also, had the pleasure of helping with Community Day and Movie Night. Both were very enjoyable experiences for everyone.

Councilperson Haynes asked that trailer on Second Street behind former Koontz's Market be a priority.

Councilperson Saunders commented on things looking nice at the pool. Inquired about hockey tournament being ongoing. Recreation Director White stated still working on this. Maybe more toward spring.

Vice Mayor D. Wood very pleased with Community Day and Movie Night.  
Sure September 13<sup>th</sup> event will be a very positive festival also.

Councilperson S. Wood thanked everyone who helped with Community Day  
and thanked Heath Logsdon, Chief Mitchell and Brittany Earnest for helping  
with Movie Night.

Mayor Remke stated he is glad events of this type were started. Thanked Sara  
and Ginger, as well as Nick Healy, and the Street, Police and Fire  
Departments.

Mayor Remke thanked City manager for looking into ransomware situation.  
This is a very serious problem.

Mayor Remke moved to recess for five minutes to go into Executive Session,  
seconded by Councilperson Haynes. Motion carried unanimously.

Meeting recessed at 8:20 P.M.

Meeting reconvened at 8:26 P.M.

Executive Session began at 8:26 P.M.

Executive Session recessed at 8:40 P.M.

Regular session reconvened at 8:41 P.M.

Meeting adjourned at 8:41 P.M.

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Marilyn Kaufman, Acting City Clerk

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Philip K. Remke, Mayor