

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
AUGUST 6, 2012**

The Council of the City of Moundsville met in regular session in the Council Chambers on August 6, 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: City Manager Deanna J. Hess, Police Chief Mitchell, Asst. Fire Chief Walker, Street Foreman Stocklask, Building Inspector Richmond, Attorney Thomas White and City Clerk Hewitt. Absent: Fire Chief Clarke, Street Commissioner Richmond, and CPA Kathryn Goddard.

MINUTES:

Regular Council Meeting of July 17, 2012.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of July 17, 2012, seconded by Councilperson Simms. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* **Richard Toothman, Sr., Ohio Valley Investors LLC** - asked council for some relief on Business & Occupation Tax for the construction of a Sleep Inn hotel to be located on the property between Buffalo Wild Wings & Walmart.

Attorney White informed council the city can not relieve or waive B&O Tax on construction unless they relieve or waive the tax for every contractor. However, the city can allow the contractor to pay the B&O tax quarterly instead of paying the tax up front as the ordinance states.

Mayor Wallace suggested discussing this matter at the Finance Committee meeting on Tuesday, August 14, 2012 and invited Mr. Toothman to attend.

* Richard Littell, 5 Primrose Street, spoke to council concerning the alley in front of his house. City Manager Hess reported the city engineer said the road was a joint driveway, not city property, therefore, the matter is civil.

* Ralph Corley, 32 Fostoria Avenue, questioned council on the Port-a-Jon chemicals stored on the Volunteer Fire Department property.

Discussion and Approval of an Ordinance Providing for a Special Bus Levy Vote Provided

by the Ohio Valley Regional Mass Transportation Authority. (Second Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE PROVIDING FOR A SPECIAL LEVY VOTE BY SEPARATE BALLOT AT THE GENERAL ELECTION OF NOVEMBER 6, 2012 TO AUTHORIZE ADDITIONAL TAX LEVIES FOR THE FISCAL YEARS BEGINNING JULY 1, 2013, JULY 1, 2014 AND JULY 1, 2015, TO PROVIDE FUNDS FOR THE CITY'S SHARE OF FUNDING FOR ANY DEFICIT OF OPERATING COSTS AND THE COSTS OF ACQUIRING CAPITAL EQUIPMENT AND FACILITIES FOR THE SAME PERIOD FOR A SYSTEM OF URBAN MASS TRANSIT TO BE PROVIDED BY THE OHIO VALLEY REGIONAL MASS TRANSPORTATION AUTHORITY. (SECOND READING)

Councilperson Simms made a motion to accept and approve the bus levy, seconded by Councilperson Haynes.

Mayor Wallace called for a ballot vote. City Clerk announced the following tally. Saunders, Remke, Haynes, DeWitt, Mayor Wallace, Wood and Simms. 7 yeas. Motion carried unanimously.

Discussion of Walter Rhome Property at 1500 Water Street.

Mayor Wallace allowed Mr. Rhome to address council by asking that they reconsider their decision to deny a zone change at 1500 Water Street from Multi Family Residential (R-M) to Special Event (S-E).

Councilperson Simms made a motion to direct the City Attorney to draft a zone change ordinance from Multi Family Residential (R-M) to Special Event (S-E), seconded by Councilperson Remke.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Remke, Haynes, Mayor Wallace and Simms voting yea. DeWitt, Wood and Saunders voting nay. 4 yeas, 3 nays. Motion carried.

Other Items to be Discussed by Council.

* Councilperson Saunders asked for an update at 329½ Thorn Avenue. Building Inspector Richmond advised the project in question is being handled by Building Inspector Schneider.

* Councilperson Simms suggested a Mayor's Proclamation for a major clean up week in the city. Discussion will be held at the Policy Meeting.

* Councilperson Saunders asked if the City Manager contacted the owner of 2006 7th Street? Chief Mitchell advised that he was at the property and observed the owner tearing down the house. Councilperson Saunders asked what was the recourse if the owner does not pay for the city crew cutting the bank? Attorney White advised the city can obtain a judgement on the owner and a lien would be placed on the property.

NEW BUSINESS:

Discussion & Approval of Budget Revision #2 for the 2012-2013 General Fund Budget.

Councilperson Wood made a motion to approve Budget Revision #2 for the 2012-2013 General Fund Budget, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City Manager and City Treasurer to Sell, Assign and Endorse for Transfer, Certificate Representing Stocks, Bonds or Other Securities in the Name of the City of Moundsville.

Councilperson Wood made a motion to authorize the City Manager and City Treasure to sell, assign and endorse stocks, bond and other securities in the name of the City of Moundsville, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of Bids to Sell the Street Sweeper.

Councilperson Wood made a motion to accept the bid of \$42,000 from North American Services Group, seconded by Councilperson Simms. Motion carried unanimously.

Receive and File the Moundsville Fireman's Pension & Relief Fund End of the Year Report.

Councilperson Saunders made a motion to receive and file the Moundsville Fireman's Pension & Relief Fund End of the Year report, seconded by Councilperson DeWitt. Motion carried unanimously.

Recommendation to Approve the Request for a Zone Change by the Moundsville Planning Commission and to Direct the City Attorney to Draft a Zone Change Ordinance for Lockwood Enterprises, LLC, at 1425 Pearl Street from Mobile Home Park (M-P) to Special Event District (S-E).

Councilperson Wood made a motion to direct the City Attorney to draft a zone change ordinance for 1425 Pearl Street, seconded by Councilperson Simms. Motion carried unanimously.

Recommendation to Deny the Request for a Zone Change by the Moundsville Planning Commission for the following properties: Stephen Rich - 10 Battelle Street; James

Midcap - 11 Primrose Street; John Midcap - 6 Battelle Street.

Councilperson Simms made a motion to approve the recommendations by the Moundsville Planning Commission to deny the proposed zone changes, seconded by Councilperson DeWitt. Motion carried unanimously.

Attorney White noted that all the Planning Commission's recommendations approved & denied are being placed on the agenda for council's consideration.

Other Items to be Discussed by Council.

* Councilperson Wood invited council members to a Fall Session concerning the Comprehensive Plan at the Family Resource Network building at Second Street & Cedar Avenue on Monday, August 13, 2012 at 6:00 p.m.

* Councilperson Saunders reported that he is still receiving complaints of a person with a handicapped resident parking spot that is not using that space and parking in front of his neighbor's house. Mayor Wallace asked the Chief to research this matter, if the person is not using that space to remove the sign.

* Councilperson Saunders reported the house at 304 Sycamore Avenue is vacant.

* Councilperson DeWitt asked to have the curb at 1321 Ruby Street changed from an 8 inch curb to a 6 inch curb, which the rest of the street has a 6 inch curb. Manager Hess will place this request on the Traffic agenda.

MANAGER ITEMS:

Appointment to the Moundsville Planning Commission.

Manager Hess announced after receiving a letter from Richard Littell of 5 Primrose Street he was appointed to the Moundsville Planning Commission.

Other Items to be Discussed by City Manager.

* City Manager Hess thanked everyone involved in the Freedom Wall. She will be meeting with Councilperson Remke concerning the intersections on Jefferson Avenue.

COMMITTEE MEETINGS:

Discussion of Recommendations by the Finance Committee.

Councilperson Saunders scheduled a finance meeting on Tuesday, August 14, 2012 at 5:00 p.m.

Discussion of Recommendations by the Traffic Committee.

Councilperson Saunders scheduled a traffic meeting following the finance meeting.

Discussion of Recommendations by the Police Committee.

Councilperson Wood scheduled a policy meeting following the traffic meeting.

COUNCIL ITEMS:

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

* **Haynes** - Nothing at this time.

* **Wood** - Nothing at this time.

* **Saunders** - Announced that Parks & Recreation Board Member Mike Bell has resigned. The board will be advertising the vacancy.

* Reported they have started clearing property for the skateboard park. Basketball hoops and rims have been removed in the area where the park will be built.

* Reported the Panther Football Team is happy to be playing at East End.

* Asked Council to support the construction of another picnic shelter at the Riverfront Park.

* **Remke** - Announced the Activities Committee will be selling Cost of Freedom books for \$12, proceeds will benefit local veterans.

* **DeWitt** - Wished to thank the Moundsville Fire Department and Police Department for their assistance when a house was hit by lightning on Ruby Street. They had responded within 5 minutes.

* Had previously requested individual pictures be taken of the Moundsville Police Officers and Fire Fighters to place in their personnel files for emergency purposes.

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

Meeting adjourned at 8:14 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor