

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
NOVEMBER 7, 2012**

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

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson 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, Fire Chief Clarke, Street Foreman Stocklask, Building Inspector Schneider, Attorney Thomas White, CPA Kathryn Goddard and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of October 16, 2012.

Councilperson Haynes moved to accept and approve the minutes of the regular council meeting of October 16, 2012, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Walter Rhome, 1500 Water Street, asked what the city was doing to enforce the city code on the owner of the property that is located next to his property. City Manager Hess reported this matter has not been addressed yet.

* The following individuals were present at the council meeting to oppose the second reading of the ordinance that would permit the City of Moundsville Building Inspectors to inspect rental property each time a new tenant is to occupy the property: Kenneth Tucker, 1218 Fifth Street; Carmina Oakland, 29 Fostoria Avenue; Gary Hartley, 107 13th Street; Rodney Wallace, RD 3 Box 18, Mdsv; Kevin McGilton, 1704 Second Street; Doug Filter, 2211 Kanawha Street; Albert Anderson, 32 Park Street; David Rickman, 2107 Fourth Street; Bill Chaikowski, 316 S Highland Avenue; Keith Taylor, 1521 Fifth Street; Kevin Robinson, 228 Curtis Avenue; Richard McDowell, 428 Clinton Avenue; George Landers, 254 Brian Drive, Virginia Oaks, Mdsv; Randy Boso, 147 Virginia Street, Wheeling; Doug Kinney, 21 Hidden View, Mdsv; Glenn Kesselring, 504 Jefferson Avenue; Gene Gray, 1027 Grandview Road, Mdsv; Joe Parriott, PO Box 277, Mdsv; David Oakland, 701 11th Street; Jerry Martin, 10 Mulberry Avenue; David Cain, 26 Cherokee Drive.

* Brenda Purdy, 1404 Third Street, commented that she is a victim of landlords who do not take care of their property. She reported having complained about properties around her house that have had bugs, rats, garbage everywhere and odor.

Mayor Wallace asked council if there would be any objection to bring the ordinance before council at this time while the audience is present. Hearing no objections, Attorney White proceeded with Old Business.

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, ENACTING ARTICLE 1109 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF AN ORDINANCE PROVIDING FOR REGISTRATION OF RENTAL HOUSING BUILDINGS, FEES, AND PROVISIONS FOR OCCUPANCY PERMITS EACH TIME A NEW TENANT IS TO OCCUPY RENTAL PROPERTY, AND PENALTIES FOR VIOLATIONS. (SECOND READING

Councilperson Simms moved to accept and approve the ordinance on second and final reading, seconded by Councilperson Haynes.

Councilperson Remke made a motion to table this ordinance. Motion failed due to lack of a second on his motion.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Mayor Wallace, Wood, Simms, Saunders, Remke, Haynes and DeWitt voting nay. 7 nays. Motion to approve ordinance failed unanimously.

Mayor Wallace called for a recess at 8:25 p.m.

Mayor Wallace reconvened meeting at 8:35 p.m., and permitted a member of the audience to speak under the general public hearing.

* John Yeater, 101 Cherokee Drive, informed council that he appeared at the Moundsville Zoning Appeals meeting for a hearing concerning his request for a large panoramic sign that would be located on the side of his building at 805 Tenth Street. The meeting was postponed to another date due to lack of quorum. Mr. Yeater asked council if they could make the decision on his request but Attorney White commented that council has no jurisdiction over the Zoning Appeals Board.

OLD BUSINESS:

Discussion and Approval of an Ordinance for Defendants Who Fail to Appear for Municipal Court. (Second Reading)

Attorney White read the following ordinance by title only to be passed by council on second

reading:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 171.07 OF THE CODE OF THE CITY OF MOUNDSVILLE, PROVIDING FOR MEANS OF DEALING WITH PERSONS WHO MAY FAIL TO APPEAR AS REQUIRED IN MUNICIPAL COURT, BY PERMITTING THE ARREST AND APPREHENSION OF SUCH PERSONS, AND PROVIDING FOR THE MISDEMEANOR OFFENSE OF “FAILURE TO APPEAR” AND PROVIDING FOR CONVICTION AND PENALTIES FOR THE VIOLATION THEREOF. (SECOND READING)

Councilperson Saunders moved to accept and approve the above ordinance, seconded by Councilperson Remke.

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

Discussion and Approval of an Ordinance Pertaining to Stormwater User Fees. (Second Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING THE CODE OF THE CITY OF MOUNDSVILLE BY AMENDING AND REENACTING SECTION 922.06 PROVIDING FOR STORMWATER USER FEES, BY ADDING A REQUIREMENT FOR SAID FEES TO APPLY TO MOTOR HOMES AND CAMPERS AS SINGLE DWELLING UNITS. (SECOND READING)

Councilperson Wood moved to approve the ordinance pertaining to the stormwater user fees, seconded by Councilperson Remke.

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

Discussion and Approval of an Ordinance Pertaining to an Abandonment for a Sidewalk on Ninth Street in Moundsville. (Second Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, VACATING, ABANDONING AND ANNULLING A PORTION FOR A SIDEWALK ALONG NINTH STREET NEAR ITS INTERSECTION WITH LAFAYETTE AVENUE. (SECOND READING)

Councilperson Saunders moved to accept and approve the ordinance pertaining a three foot abandonment at Ninth Street & Lafayette Avenue, seconded by Councilperson Haynes.

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

Other Items to be Discussed by Council.

* Councilperson Wood noted that Patrick Kirby would like to schedule another meeting concerning an update on the Fostoria property.

* Councilperson Wood asked for an update on paving. City Manager Hess reported that Klugs started paving 13th Street and also Railroad Street. Councilperson DeWitt reported that Garfield Street is finished. Councilperson Wood suggested placing signs in newly paved areas so citizens can see where their municipal fee is going.

* Councilperson Wood reported citizens calling him thinking the bus levy passed. He noted that the levy had to pass by 60% and the vote was only 56%.

* Councilperson DeWitt reported Klugs patched an area on Ruby Street with left over asphalt.

* Councilperson DeWitt asked council to review the intersection at 5th & Jefferson Avenue again. Citizens are complaining. Mayor Wallace reported the state controls that intersection.

* Councilperson Saunders reported 432 & 434 Poplar Avenue are in deplorable condition. The Building Inspectors are addressing the problems.

* Councilperson Haynes asked that the stop sign at Walnut & Park Street be moved down 3-4 ft. The sign can not be seen because of the trucks parked there.

* Councilperson Remke asked if the Street Department could move the dumpster that is on Sixth Street onto the grassy area beside sidewalk. Street Department will take care of request.

NEW BUSINESS;

Discussion of Second Ward Neighborhood Association Meeting.

Councilperson Wood reported that several topics and concerns were discussed. Chief Mitchell

discussed the Neighborhood Watch. Comprehensive Plan meeting will be held on Thursday, December 6, 2012 at 6:00 p.m. at the FRN Building on Second Street & Cedar Avenue. Councilperson Wood hopes to have future meetings in every ward.

Other Items to be Discussed by Council.

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

Councilperson Simms moved to receive and file the publications, seconded by Councilperson Remke. Motion carried unanimously.

* Councilperson Remke asked that “Mission & Vision Statement” be discussed at the Policy Committee meeting.

MANAGER ITEMS:

* City Manager Hess congratulated Councilperson Simms, Saunders and Haynes on their re-election and David Haynes as the new elected councilperson at large.

* City Manager Hess reported the old Carpet Barn has a new owner and hopes the building will be renovated.

MAYOR ITEMS:

* Mayor Wallace congratulated the newly elected council people.

* Mayor Wallace wished to thank all the citizens who attended the council meeting concerning the rental property.

COMMITTEE REPORTS:

Discussion of Recommendations by the Policy Committee.

Councilperson Wood scheduled a Policy Meeting on Tuesday, November 13, 2012 at 5:00 p.m.

Discussion of Recommendations by the Finance Committee.

Councilperson Saunders scheduled a Finance Meeting following the Policy Meeting.

Discussion of Recommendations by the Traffic Committee.

Councilperson Simms scheduled a Traffic Meeting following the Finance Meeting.

COUNCIL ITEMS:

* **Haynes** - Wished to thank the Street Department and Parks & Recreation Board for painting the basketball courts at Park View playground.

* Congratulated Councilperson Saunders and his Panthers Football Team for winning the Championship on Sunday.

* **Saunders** - Reported the curb needing repaired in front of 1717 Virginia Street.

* Congratulated Mr. Simms & Mr. Haynes for their re-election.

* Reported the skate park is moving forward. The former tennis courts will be resurfaced and a ramp will be installed.

* **DeWitt** - Wished to congratulate Councilperson Simms, Haynes and Saunders on their re-election and congratulations to David Haynes on his election to councilperson at large.

* **Remke** - Also congratulated Councilperson Simms, Haynes, Saunders on re-election and David Haynes on new councilperson at large.

* **Wood** - Reminded council of the Christmas Parade on Saturday, November 17 at 2:00 p.m. Anyone wishing to be in parade should let him know.

* Announced that Dr. Margaret Stout and WVU students will be presenting their finding of the Comprehensive Plan on Friday, November 8, 2012 from 12 p.m. to 2 p.m.

* Wished to congratulate Councilperson Haynes, Simms and Saunders on their re-election and David Haynes for newly elected councilperson at large.

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

Councilperson Simms moved to have executive session for legal matters, seconded by Councilperson Haynes. Motion carried unanimously.

Meeting recessed at 9:05 p.m.

Regular Meeting reconvened at 9:11 p.m.

Executive Session began at 9:11 p.m.

Executive Session recessed at 9:16 p.m.

Regular Meeting reconvened at 9:16 p.m.

Councilperson Simms moved to adjourn, seconded by Councilperson Wood. Motion carried unanimously.

Meeting adjourned at 9:17 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor