

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
NOVEMBER 18, 2014**

The Council of the City of Moundsville met in regular session in the Council Chambers on November 18, 2014 at 7:00 p.m.

Meeting was called to order by Mayor Saunders.

Invocation by Councilperson Mark Simms.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, D. Haynes, P. Haynes, Remke, Simms, Wood and Mayor Saunders. Also present: City Manager Deanna J. Hess, Police Chief Mitchell, Fire Chief Clarke, Street Foreman Stocklask, Attorney Thomas White, CPA Kathryn Goddard and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of November 3, 2014.

Councilperson P. Haynes moved to accept and approve the minutes of the regular council meeting of November 3, 2014, as amended, seconded by Councilperson DeWitt.

PUBLIC HEARING:

A Public Hearing for an Ordinance Approving the Issuance of Revenue Bonds for the Purchase of the Former Kittle Hauling Property.

Mayor Saunders read the ordinance by title only permitting the public to respond to the proposal.

To Conduct a Public Hearing regarding an Ordinance of the City which would approve the issuance by the City of Moundsville Building Commission of its Lease Revenue Bonds in an amount not to exceed \$400,000 for the purpose of financing costs of the purchase of the Kittle Hauling Property and authorizing the leasing of the financed property from the City of Moundsville Building Commission and the execution and delivery of a Lease Agreement and all documents necessary in connection therewith.

Attorney White asked if there were citizens in the audience that wished to speak on the proposed purchase of the former Kittle Hauling Property. With no response from the audience, Mayor Saunders moved the public hearing be closed, seconded by Councilperson Wood. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Mark Johnson, 109 Morton Avenue, asked council to consider a handicapped parking space for

13 Poplar Avenue. He said they will be in the process of filling out the application.

* David Seum, 112 Elm Avenue, thanked council for reconsidering the sale of the Sanford Center.

OLD BUSINESS:

Discussion and Approval of Revenue Bond ordinance to be passed by council on third and final reading.

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

Consider for Adoption on Third and Final Reading following public hearing of an Ordinance of the City which would approve the issuance by the City of Moundsville Building Commission of its Lease Revenue Bonds in an amount not to exceed \$400,000 for the leasing of the financed property from the City of Moundsville Building Commission and the execution and delivery of a Lease Agreement and all documents necessary in connection therewith (Third & Final Reading)

Councilperson Wood made a motion to approve the revenue bond ordinance, seconded by Councilperson Simms.

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

Discussion and Approval of a Recommendation by the Moundsville Planning Commission to Approve a Zone Change at 303 11th Street from R-M to C-C-C-H. (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, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA ON ELEVENTH STREET IN THE CITY OF MOUNDSVILLE FROM A MULTI-FAMILY RESIDENTIAL ZONE TO A HIGHWAY COMMERCIAL AND INTEGRATED COMMERCIAL CENTERS ZONE. (303 11TH STREET) (SECOND READING)

Councilperson D. Haynes moved to approve the zone change ordinance for 303 11th Street, seconded by Councilperson P. Haynes.

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

Other Items to be Discussed by Council.

- * Councilperson DeWitt pointed out several times the ATV ordinance was brought before council at the sub committee meetings.
- * Councilperson P. Haynes commented that several kids continually ride 4 wheelers in area of Highland Avenue and the residents are tired of it.
- * Councilperson D. Haynes thanked Councilperson Remke for voting to ban ATV's from the city.
- * Councilperson Simms commented the city ordinance that is in existence now holds enough law to fine the operator.
- * Councilperson Wood announced he received 46 letters from 7th Graders participating in the "If I Were Mayor" essay contest. He also noted that he plans to organize other activities to include the Middle School as well.
- * Councilperson Wood announced council members are participating in the Christmas Parade on Saturday, November 21, 2014.
- * Councilperson Remke said he recalled several times bringing up the vacant property at 3rd Street & Jefferson Avenue and nothing seems to be getting done to clean it up. Fire Chief Clarke said Mr. Tucker are addressing things at the property.

NEW BUSINESS:

Discussion and Approval of an Ordinance Amending Article 355 Dealing with Certain Motorized Recreational Apparatus. (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, WV TO PROVIDE FOR A PROHIBITION AGAINST THE OPERATION OF CERTAIN MOTORIZED RECREATIONAL APPARATUS WITHIN THE CORPORATE LIMITS OF THE CITY OF MOUNDSVILLE UPON ANY PUBLIC STREET, ALLEY, WAY, SIDEWALK, PARKING LOT, OR RIGHT OF WAY AND UPON ALL OTHER REAL PROPERTY WHICH IS PUBLICLY OWNED, LEASED OR CONTROLLED: TO MAKE THE OPERATION OF SUCH APPARATUS A CRIMINAL OFFENSE ; TO PROVIDE PENALTIES THEREFORE; AND TO PROVIDE EXCEPTIONS, WHICH ORDINANCE SHALL BE CODIFIED AS A PART OF ARTICLE 355; STREET OBSTRUCTIONS AND SPECIAL USES OF THE CITY OF MOUNDSVILLE CODE (FIRST READING)

Councilperson Remke made a motion to accept and approve the above ATV ordinance, seconded by Councilperson D. Haynes.

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

Discussion and Approval of an Ordinance Amending Article 1106 of the Codified Ordinances of the City Prohibiting Smoking and Tobacco Use. (First Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE AMENDING AND RE-ENACTING ARTICLE 1106 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNDSVILLE, TO PROHIBIT SMOKING AND TOBACCO USE AT CITY OWNED AND OPERATED OUTDOOR RECREATIONAL FACILITIES AND CERTAIN INDOOR FACILITIES IN THE CITY OF MOUNDSVILLE (FIRST READING)

Councilperson Wood made a motion to accept and approve the tobacco ordinance, seconded by Councilperson Remke.

Mayor Saunders called for a voice vote. City Clerk announced the following tally. 4 yeas, 3 nays. D. Haynes, P. Haynes and Simms voting nay. Motion carried.

Discussion and Award of 2013-2014 General Fund Audit.

CPA Kathryn Goddard advised one quote of \$5,556 from Balestra, Harr & Scherer of Wheelersburg OH and two declinations.

Councilperson Simms made a motion to accept the quote of \$5,556 from Balestra, Harr & Scherer, seconded by Councilperson P. Haynes. Motion carried unanimously.

COMMITTEE REPORTS:

Discussion of Recommendations by the Finance Committee.

1. Discussion of Sanford Center Building Sale. Committee recommends to rescind original motion.

Councilperson Wood moved to rescind motion to sell the Sanford Center, seconded by Councilperson DeWitt. Motion carried unanimously.

2. Discussion of Alley Way located next to 122 Morton Avenue Committee recommends voting to determine future court action.

Councilperson Remke made a motion to forward this matter to Circuit Court to make the final decision, seconded by Councilperson D. Haynes. After some discussion Mayor Saunders called for a voice vote. City Clerk announced the following tally. 6 nays, 1 yea. Remke voting yea. Motion failed.

3. Discussion of Sponsoring Fireworks Display. Committee recommends sponsoring fireworks display.

Councilperson Wood made a motion to sponsor the 2015 Fireworks Display, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion of Request for Donation for JMHS Basketball Program. Committee recommends to donate \$50.00.

Councilperson Wood made a motion to donate \$50 to the JMHS Basketball Program, seconded by Councilperson Simms.

Discussion of Christmas House Decorating Contest. Committee recommends to proceed with same categories as last year.

Councilperson Wood made a motion to proceed with the Christmas House Decorating Contest, seconded by Councilperson Remke. Motion carried unanimously.

Discussion of Use of Funds Received from Dept. Of Highways for Construction Easements on Jefferson Avenue Extension. Committee recommends funds to be accepted and placed in General Fund.

Councilperson Wood made a motion to deposit the funds from DOH into the general fund, seconded by Councilperson Simms.

Discussion of Recommendations by the Policy Committee.

1. Discussion of Granting Holiday for Employees on Friday, December 26 & Friday, January 2, 2015. Committee recommends to approve holidays for employees.

Councilperson DeWitt made a motion to approve holidays (day after Christmas & New Year's) for employees, seconded by Councilperson Remke. Motion carried unanimously.

Discussion of Recommendations by the Traffic Committee.

Discussion of Free Parking at Meters during Holidays from November 24th through January 5th in Uptown Business District. Committee recommends approval.

Councilperson Simms made a motion to approve free parking during holiday season, seconded by Councilperson Remke. Motion carried unanimously.

COUNCIL ITEMS:

* **DeWitt** - Wishing everyone a Happy Thanksgiving.

* **P. Haynes** - Wishing everyone a Happy Thanksgiving.

* **D. Haynes** - Asked Mr. Stocklask if the city has acquired enough salt for the winter. Mr. Stocklask advised they have purchased 200 ton of salt and 200 ton of cinders.

* Wishes everyone a Happy Thanksgiving.

* **Remke** - Wishes everyone a Happy Thanksgiving.

* **Wood** - Thanked everyone who attended and supported the Mayors ceremony.

* Wishes everyone a Happy Thanksgiving.

* **Simms** - Wishes everyone a Happy Thanksgiving.

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

Meeting adjourned at 7:53 p.m.

Sondra J. Hewitt, City Clerk

Eugene Saunders, Mayor