

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
SEPTEMBER 16, 2014**

The Council of the City of Moundsville met in regular session in the Council Chambers on September 16, 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, Cpl. Richard Milbert, Fire Chief Clarke, Street Commissioner Richmond, Attorney Thomas White, CPA Kathryn Goddard and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of September 2, 2014.

Councilperson P. Haynes moved to accept and approve the minutes of the regular council meeting of September 2, 2014, seconded by Councilperson DeWitt. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Ben Schillaci, 718 Second Street, feels Attorney White over stepped his bounds by giving his opinion that permitted Mr. Rickrode to install a gate in the alley. He feels that Mr. White's opinion only benefitted one person. He asked again to have the yellow line removed in front of Mr. Rickrode's residence.

Councilperson Remke passed out to council members the deed from 1924 that said, "to the use in common with the owners of all other property adjoining thereon, of a certain alley ten(10) foot in width situated immediately in the rear of said land hereby conveyed, at such time as said alley is opened, and said parties of the first part shall have the right to garden or otherwise use the said alley way until such time as said alley is opened for use as an open alley."

* Helen Tucker, 115 Morton Avenue, said the alley has been maintained by the city for many years.

* Donald Bonnette, 113 Morton Avenue, said he wants council to vote to re-open alley.

* Mark Johnson, 109 Morton Avenue (rear), feels there is a conflict of interest between City Attorney Tom White and Mr. Rickrode's Attorney Harry Moore, Jr. He advised council that he received a letter from Attorney Moore accusing them of harassing the Rickrode's. Mr. Johnson

also asked if the city paved private property for Rickrode's shouldn't they pave private property for every other citizen?

After some discussion, Councilperson Remke asked council to discuss that matter of pursuing it in circuit court at a finance meeting, seconded by Councilperson D. Haynes. Motion carried unanimously.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson Wood said he read in Parks & Recreation Board minutes something has to happen with the boat docks or the city will have them removed. Any update on the docks. Manager Hess advised DNR will get back to her.

* Councilperson Remke said he asked about attending a Bel-O-Mar Meeting and was told by Mayor Saunders that he could not attend. Mayor Saunders said the public is not invited to the Executive Meetings but able to attend regular meetings.

* Councilperson Remke provided Manager Hess with a list of yards that need cut.

* Councilperson Remke reported the street locator sign at Purdy Avenue & POW MIA near Past & Present Bike Worx has been removed.

* Councilperson Remke made a motion to take to Policy Meeting the position of a Code Enforcement Officer, seconded by Councilperson Simms. Motion carried unanimously.

Manager Hess explained to council that high grass complaints are reported to the Police Department via work orders. The Police Department will receive the complaint, send a letter to the owner of the property. If there is no action taken, the owner receives a citation to appear in Municipal Court.

NEW BUSINESS:

Discussion and Approval of a Resolution Concerning EPA Clean Power Plan.

Councilperson Simms made a motion to approve the resolution concerning EPA Clean Power Plan, seconded by Councilperson P. Haynes. Motion carried unanimously.

Discussion and Approval Authorizing the City Manager to Enter into an Agreement with WV Department of Highways Concerning a Temporary Construction Easement through City Property.

Councilperson Remke made a motion authorizing the City Manager to enter into an agreement

with WV DOT for a temporary construction easement through property located on Jefferson Avenue Extension south side of bridge, seconded by Councilperson DeWitt. Motion carried unanimously.

Councilperson D. Haynes suggested earmarking the money received from DOT for something specific. Councilperson Simms made a motion to send to Finance Meeting, seconded by Councilperson D. Haynes. Motion carried unanimously.

Discussion and Approval of an Ordinance Establishing Tobacco Free Zones on City Owned or Operated Outdoor Recreational Facilities. (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 WEST VIRGINIA, AMENDING ARTICLE 1106 OF THE CODE OF THE CITY OF MOUNDSVILLE, RELATING TO ADDING AND AMENDING A SECTION DEALING WITH BANNING TOBACCO PRODUCTS BEING USED AT CITY OWNED OUTDOOR RECREATIONAL FACILITIES. (FIRST READING)

Councilperson Wood made a motion to approve the above ordinance, seconded by Councilperson Remke.

Discussion was held on the properties included in this ordinance such as the Riverfront Shelter, playground and property; Valley Fork Ballfield-both girls & boys, Soccer; Four Seasons Pool, East End Basketball Courts, Skatepark, ballfields and playground; Park View Playground; and Walking Trail at Valley Fork.

Manager Hess explained a complaint was received by the Health Department reporting smoking at Valley Fork Soccer Field. The Health Department notified the City Manager who had to make changes to the ordinance already in place in order to enforce the ordinance.

Attorney White pointed out the fine is listed at \$250 per offense. Normally, the fine amount is set by the judge for up to \$500.00.

Councilperson Wood moved to rescind his motion and Remke rescinded his second. Councilperson Remke made a motion to send this ordinance to the Policy Committee to amend the fine amount, seconded by Councilperson Simms. Motion carried unanimously.

Discussion and Approval of Date and Time Set for Trick or Treat in the City of Moundsville.

Council member decided to let the City Manager decide what date and time for Trick or Treat.

Other Items to be Discussed by Council.

* Councilperson DeWitt asked how long the street work on 7th Street is going to be going on by the former Jozabeth property. She reported some pot holes that need fixed.

* Councilperson DeWitt reported holes need repaired at the intersection of Lockwood Avenue. Manager Hess reported this being Sanitary Board project which will be going on for a couple more weeks.

* Councilperson P. Haynes asked Mayor Saunders when Park View was going to have basketball nets replaced and water laying under the swings. Mayor Saunders said the Recreation Director informed him these items were taken care of.

* Councilperson Remke reported grass needs cut next to 112 Highland Avenue.

MANAGER ITEMS:

* Business After Hours at Perkins, September 24, 2014 at 5:00 p.m. Any council members wishing to participate must call Marilyn.

* Annual Chamber of Commerce Dinner, Thursday, October 2, 2014 at 6:00 p.m. Any council members wishing to attend must call Marilyn.

* Manager Hess announced that James Kudlak has been appointed to the Moundsville Firefighters Civil Service Commission for a 4 year term.

* Manager Hess announced that council agreed to purchase one 2015 Refuse Truck from WV-Ohio Motor Sales Inc. At the time of the bid, Mack had available line spaces for 2015 chassis to be built in December 2014. Mack available line spaces are in January 2015 and chassis will be build as 2016 year models. Mack has announced a 3% price increase for 2016 year models. WV-Ohio Motor Sales was able to make an agreement with Mack Trucks Inc to honor the price quote, for 2015's, and will provide the city with 2016 year model chassis at no additional cost. McNelius has also agreed to honor pricing for packers.

MAYOR ITEMS:

* Mayor Saunders reported grass needs cut at 317 Olive Avenue.

* Mayor Saunders gave a speech for the opening of Elizabethtown Saturday morning at the grave site of Mr. Tomlinson and read the proclamation at Elizabethtown.

Discussion of Recommendations by the Finance Committee.

1. Discussion of Bid Award for Additional Garbage Truck. Committee recommends to

purchase additional garbage truck.

Councilperson Wood made a motion to purchase an additional garbage truck, seconded by Councilperson Simms. Motion carried unanimously.

Discussion of Recommendations by the Policy Committee.

1. Discussion to Sell the Sanford Center Property. Committee recommends to move forward with the sale. (Building would have to be sold at public auction)

Councilperson Remke made a motion to move forward with the sale of Sanford Center, seconded by Councilperson Simms.

Councilperson Wood asked that a member of the board be present when they discuss the sale. Councilperson DeWitt commented that members were invited to attend meeting but nobody appeared for the Sanford Center.

Mayor Saunders called for a voice vote to move forward with sale. City Clerk announced the following tally. 5 yeas, 2 nays. Wood & Simms voting nay.

2. Discussion of ATV Ordinance. Committee recommends to instruct the City Attorney to draft an ordinance.

Councilperson Remke made a motion to direct the City Attorney to draft the ordinance to include banning of ATV's in the City of Moundsville, seconded by Councilperson DeWitt.

Exceptions to the motion all ATV's, UTV's & Golf Carts unless they are assigned a permit by the police department and allow owners of ATV to use them for snow removal or yard work.

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

Councilperson Wood made a motion to have the attorney bring this ordinance to the Policy Committee, seconded by Councilperson Simms.

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

COUNCIL ITEMS:

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

* **Wood** - Asked what houses have been demolished. Manager Hess reported Campground, Second Street and Olive Avenue after asbestos report comes back.

* **Remke** - Congratulated MEDC on the Elizabethtown Festival.

* Announced Fall Festival on Saturday, September 20, 2014, 10-4 on Jefferson Avenue.

* **DeWitt** - Reported 1114 Ninth Street is in the process of being tore down.

* **P. Haynes** - Reported grass high at 53 Locust Avenue. Also, paint thinner is being stored inside.

* **D. Haynes** - Asked if the trailer on Second Street was ticketed yet. Manager Hess said it was addressed.

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

Meeting adjourned at 8:27 p.m.

Sondra J. Hewitt, City Clerk

Eugene Saunders, Sr., Mayor