

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE**
2 **FEBRUARY 19, 2013**

3

4 The Council of the City of Moundsville met in special session in the Council Chambers
5 on February 19, 2013 at 6:00 PM.

6

7 Meeting was called to order by Mayor Eugene Saunders.

8

9 Acting City Clerk Ankrom called roll and the following Councilpersons were in
10 attendance: Saunders, DeWitt, David Haynes, Paul Haynes, Remke, Simms, and Vice
11 Mayor Wood. Also present were City Manager Deanna J Hess, Building Inspector Joe
12 Richmond, Attorney Thomas White, and Acting Clerk Ankrom.

13

14 **Consider the Appeal of a Health & Sanitation Violation Decision Made by the**
15 **Moundsville Building Inspector for Property at 1500 Diamond Street**

16

17 Attorney White explained the City Building Inspectors have been working with Mr.
18 Sidney Wood, owner of the property at 1500 Diamond Street, for many months but now
19 feel that Mr. Wood is in violation of the Nuisance Ordinance passed two years ago. Mr.
20 Wood asked for an appeal of the violation, which is the reason for tonight's hearing before
21 Council.

22

23 Attorney White questioned Inspector Richmond.

24

25 White: Can you tell us your name.

26 Richmond: Joe Richmond.

27

28 White: And are you one of the Building Inspectors?

29 Richmond: Yes, I am.

30

31 White: And are there two Building Inspectors?

32 Richmond: Yes, there are.

33

34 White: And are you familiar with this property that we are here about tonight?

35 Richmond: Yes, I am.

36

37 White: Have you been down and looked at it?

38 Richmond: Yes, I have.

39

40 White: Have you been associating with Mr. Schneider, who's also been dealing with
41 it?

42 Richmond: Yes, I have.

1 White: I see an activity report where things started back over a year ago, is that
2 correct?
3 Richmond: Yes.
4
5 White: Are you knowledgeable about that?
6 Richmond: Yes
7
8 White: And I see it looks like there's about...I don't know, I didn't count them, 20 or
9 so entries of contacts and things that have happened in this matter, is that correct?
10 Richmond: Yes.
11
12 White: Alright. And can you give kind of a summary about...what's happened and
13 what you're alleging the violation is?
14 Richmond: The violation is the condition of the property in its current state. The mobile
15 home is sitting down there, it's not secure, it's not on a foundation. That was the biggest
16 concern. We've worked with Mr. Wood over the last year; I've worked the last half a year
17 with him, trying to get power to his facility down there.
18
19 White: And what would have to happen for this to come into compliance, in your
20 opinion? Is there any way the mobile home can come into compliance without removing
21 it? Or is there a way...
22 Richmond: He would have to go and get a variance on the zoning because of the flood
23 plain issues. AEP doesn't want any of their meters above six foot, no lower than four foot.
24
25 White: I take it's vacant, and no one's living in it?
26 Richmond: Yes.
27
28 White: And, in order to live in a mobile home in that area, you would have to elevate
29 it above the flood plain, is that correct?
30 Richmond: Yes.
31
32 White: And how many...how far would that have to come up?
33 Richmond: He was looking about eleven feet, I believe.
34
35 White: So, he has to fill or put it up on stilts, is that correct?
36 Richmond: That is correct.
37
38 White: Okay. And has he indicated what his plans are for the structure?
39 Richmond: He had gotten a permit to put in a foundation but nothing was done on that
40 permit.
41
42 White: And the permit was going to be, like, eleven feet high?

1 Richmond: Yes.
2
3 White: Okay. Is there any other issues that he's out of compliance with?
4 Richmond: The biggest one is...
5
6 White: Isn't there one about an electric pole, or something?
7 Richmond: That was part of the AEP issues. It falls back to the flood ordinance....If we
8 let him put it in, and FEMA comes in and does their inspections, they can go against us,
9 and it can hurt the entire community with the flood...regulations. Basically the same thing
10 we've run into with the other property down by the river...a few months back.
11
12 White: And was Mr. Wood sent a certified letter...on or about January 10, giving this
13 notice in 30 days to fix it up?
14 Richmond: Yes.
15
16 White: And in response to that, he made a timely request for a hearing here, is that
17 correct?
18 Richmond: That's correct.
19
20 White: Good...Anything else you think that Council needs to know about relevancy
21 of this?
22 Richmond: Not at this time.
23
24 White: Okay. Do you have the colored pictures?
25 Richmond: No, I only have black and white ones.
26
27 White: Okay...These ones the City Manager's passing out, are these the ones that...
28 Richmond: I think they're the same ones
29 White: ...you or Mr. Schneider took?
30 Richmond: Yes.
31 White: And that's a fair representation of what you would go down there and see, if
32 you looked at it?
33 Richmond: Yes.
34 White: Alright.
35
36 Council members were given an opportunity to question Inspector Richmond about any
37 other issues they wanted clarified.
38
39 Councilman Dave Haynes asked how the eleven-foot elevation requirement affects
40 placement of the electric meter socket. Inspector Richmond explained that FEMA wants
41 the meter above the base flood elevation; however, AEP will not hook up a service higher
42 than six foot tall. Mr. Wood put in a platform, which was comparable to a "deer stand,"

1 but AEP would not allow their employees to climb such a structure.

2

3 Several Council members questioned a school bus which was parked near the mobile
4 home; Inspector Schneider confirmed that had been addressed, and did not pertain to the
5 violations at issue.

6

7 Inspector Richmond explained the difference in FEMA regulations applying to a mobile
8 home and a “portable” camper trailer; and that a mobile home must have skirting around
9 the bottom, where a camper does not have that requirement. Inspector Richmond does
10 not believe an eleven-foot elevation would cause any roadway obstructions, as the trailer
11 sits back far enough on the lot.

12

13 Inspector Richmond confirmed that Inspector Schneider has received a few complaints
14 about this particular vacant trailer; however, there are also other vacant trailers in the area.
15 Inspector Richmond commented that the trailer is not secure, and Mr. Wood has taken too
16 much time to correct the situation, which are major concerns for City officials. Manager
17 Hess confirmed the Building Inspectors became involved because several complaints,
18 about the condition of the trailer, were received.

19

20 Inspector Richmond stated a block and mortar foundation would have to be placed under
21 the trailer. Inspector Richmond noted Mr. Wood's elevation certificate is 641 feet, and
22 base flood elevation is 651 feet.

23

24 Brief discussion was held on how the situation could affect insurance rates City-wide, if
25 not corrected properly.

26

27 Inspector Richmond explained if the City issued a variance to install an electric meter
28 outside of AEP guidelines, FEMA could penalize the City for allowing such a violation.
29 Attorney White confirmed Mr. Wood has not asked for such a variance to date.

30

31 Property owner Sidney Wood was given an opportunity to present his evidence, and he
32 provided pictures of the stand installed to meet AEP's requirements. Mr. Wood stated he
33 has spent thousands of dollars trying to correct the situation to everyone's satisfaction.
34 Mr. Wood also presented pictures of other electric boxes throughout town that he does not
35 feel meet the requirements he's being asked to follow; as well as pictures of other trailers
36 and homes that appear to be out of compliance. Mr. Wood also commented he has been
37 given conflicting information from Building Inspector Schneider and American Electric
38 Power. Mr. Wood is aware the trailer must be elevated; and he desires to fix it up for his
39 daughter to inhabit.

40

41 Attorney White explained City Council can agree with the Building Inspector assessment
42 that Mr. Wood is in violation and has 30 days to correct the issues. Council also has

1 authority to amend or modify the order and/or extend the time period Mr. Wood has to
2 come into compliance. Attorney White commented Mr. Wood's notice of violation was
3 rather vague, compared to other cities', therefore it is difficult to determine exactly what
4 Mr. Wood is required to do.

5
6 Council members agreed FEMA requirements must be primary, then the Inspectors should
7 work with the electric company to meet their standards.

8
9 Manager Hess confirmed Mr. Wood applied for a building permit on January 6, 2012 to
10 repair the existing panel and add grounding. Another permit was received on October 5,
11 2012 to “repair foundation for mobile home;” however, nothing more has been done on
12 the foundation.

13
14 Vice Mayor Wood motioned Mr. Wood is in violation of the code, as it stands now; and
15 Councilwoman DeWitt seconded. Mayor Saunders called for a roll call vote, and Acting
16 Clerk Ankrom announced the following tally: 7 yeas. Motion carried unanimously.

17
18 Vice Mayor Wood then made a motion to give Mr. Sidney Wood 30 days to come into
19 compliance, and Councilwoman DeWitt seconded the motion. Upon questioning, Mr.
20 Wood stated he would tear the structure down, rather than spend more time or money
21 trying to fix the problems. Mayor Saunders called for a roll call vote, and Acting Clerk
22 Ankrom announced the following tally: 7 yeas. Motion carried unanimously.

23
24 Vice Mayor Wood made the motion to adjourn, which Councilman David Haynes
25 seconded, and meeting adjourned at 6:43 PM.

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28 _____
29 Karen L Ankrom, Acting City Clerk

Eugene Saunders, Mayor