

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE**
2 **AUGUST 21, 2012**

3

4 The Council of the City of Moundsville met in regular session in the Council Chambers
5 on August 21, 2012 at 7:00 PM.

6

7 Meeting was called to order by Vice Mayor Eugene Saunders.

8 Invocation was given by Councilman K Mark Simms.

9

10 Acting City Clerk Ankrom called roll and the following Councilpersons were in
11 attendance: DeWitt, Haynes, Remke, Saunders, Simms, and Wood. Absent was Mayor
12 Wallace, who was out of town. Also present: City Manager Hess, Police Chief Mitchell,
13 Public Works Director Richmond, Building Inspectors Schneider & Richmond, CPA
14 Goddard, Attorney White, and Acting Clerk Ankrom. Absent was City Clerk Hewitt
15 (vacation) and Fire Chief Clarke.

16

17 **MINUTES:**

18 **Regular Council Meeting of August 6, 2012**

19 Councilperson Haynes made a motion to accept the August 6, 2012 minutes as presented,
20 Councilwoman DeWitt seconded, and the motion carried unanimously.

21

22 **GENERAL PUBLIC HEARING:**

23 **David Bougher, 1303 Center Street – Rental Properties**

24 Mr Bougher presented copies of a letter, which he summarized for those present,
25 explaining the concerns of residents about various rental properties in their neighborhood
26 that are in states of disrepair. Building Enforcement Agency Article 1717 and nine
27 signatures were included with the letter. Mr Bougher thanked Councilmen Haynes and
28 Remke for their assistance, and he requested Council make property owners meet
29 minimum standards for their rental property. Manager Hess will look further into the
30 matter.

31

32 * Ralph Corley of 32 Fostoria Avenue again expressed concern about the Porta Jons being
33 stored on property behind the Volunteer Fire Department. Chief Mitchell explained he
34 has spoken to the property manager, inspected the MSDS forms for the stored chemicals,
35 and is certain that zoning requirements are being met. There is no fencing around the
36 property, but there appears to be no children running around in the area. Mr. Corley also
37 suggested that arrows be painted at the 12th Street and Lafayette Avenue intersection.

38

39 * Walter Rhome, owner of 1500 Water Street, thanked Council for considering a zone
40 change on his property, as he is looking forward to developing the area.

41

42 * Councilman Wood introduced Tyler Poliquin, who is visiting from Wakefield, New

1 Hampshire, serving with the AmeriCorps/VISTA program to work on the Comprehensive
2 Plan. Mr. Poliquin will be contacting Council members for more input.

3
4 **OLD BUSINESS:**

5 **Other Items to be Discussed by Council**

6 * Councilman Wood broached discussion on the continuing problems with rental property,
7 which will be discussed more in depth at future Policy Committee meetings.

8
9 * Councilman Wood asked for an update on the motel, to which Inspector Schneider
10 confirmed permits have been issued, and dirt is being moved for test samples and
11 foundation work. The motel will have 67-72 rooms, and preliminary drawings have been
12 submitted to The Health Department. Engineers are also reviewing the pump station for
13 adequate service.

14
15 * Councilwoman DeWitt asked about paving, which cannot move forward until bids are
16 approved.

17
18 * Councilman Remke expressed concern about growing problems with rental properties
19 and feels it should be addressed quickly, with stiffer penalties for offending owners. Vice
20 Mayor Saunders cautioned that “good landlords” should not be punished because of a few
21 neglectful ones.

22
23 **NEW BUSINESS:**

24 **Discussion and Approval of a Zone Change Ordinance for 1500 Water Street from**
25 **R-M Zone to S-E District (First Reading)**

26
27 Attorney White read the following ordinance by title only:

28 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA,**
29 **PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA ON FIFTEENTH**
30 **AND WATER STREETS IN THE CITY OF MOUNDSVILLE FROM A MULTI-**
31 **RESIDENTIAL DISTRICT ZONE TO A SPECIAL EVENT DISTRICT ZONE**

32
33 Councilperson Simms made a motion to approve the ordinance on first reading, seconded
34 by Councilperson Haynes. Vice Mayor Saunders called for a roll call vote, and Acting
35 Clerk Ankrom announced the following tally: 2 yeas, 4 nays, with DeWitt, Remke,
36 Saunders, and Wood voting nay. Motion failed.

37
38 **Discussion and Approval of a Zone Change Ordinance for 1425 Pearl Street from**
39 **M-P Zone to S-E District (First Reading)**

40
41 Attorney White read the following ordinance by title only:

1 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA,**
2 **PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA ON PEARL**
3 **STREET IN THE CITY OF MOUNDSVILLE FROM A MOBILE HOME PARK**
4 **DISTRICT ZONE TO A SPECIAL EVENT ZONE**

5
6 Councilperson Simms made a motion to approve the ordinance on first reading, which
7 was seconded by Councilperson Haynes.

8
9 Attorney White noted this vote would be suitable, and the ordinance will be put on the
10 next Council agenda for Second Reading. The surrounding parcels have already been
11 changed to the S-E Zone.

12
13 Vice Mayor Saunders called for a roll call vote, and Acting Clerk Ankrom announced the
14 following tally: 6 yeas. Motion carried unanimously.

15
16 **Reports from Council Members on the WVML Conference**

- 17 • Councilwoman DeWitt commented on Andrea Arnold's synopsis of the book *A*
18 *Whole New Mind* by Daniel Pink, which provides suggestions for telling the City's
19 "story." A monthly newsletter, providing upcoming events, pictures, salutes to City
20 employees, publicizing City employment vacancies, and advertisements, is one
21 such avenue for improving community involvement.
- 22 • Councilman Wood provided copies of the power point on Open Meetings & Ethics,
23 which he would like to see reviewed in-depth at a future meeting.
- 24 • Vice Mayor Saunders commented on the new concrete that allows no standing
25 water. He has passed the information on to Foreman Stocklask for review. He also
26 noted the conference was very educational.

27
28 **Report from August 13 Meeting concerning the Comprehensive Plan**

29 Councilman Wood noted 19 attendees were at the last meeting, which consisted of good
30 discussion. More Council input will be expected at the Policy Committee meeting. Thirty
31 people from West Virginia University will be in Moundsville for the September 30
32 meeting; and the Design Team will arrive in October. Councilman Wood discovered
33 resident concerns include economic stability, the increase in gambling establishments, and
34 property issues.

35
36 **Discussion and Award of the Paving Bids Received August 20, 2012**

37 Vice Mayor Saunders read the August 20 bid so the public would be informed of the cost
38 of paving, which is paid from the Municipal Fee Account. Klug Brothers was the only
39 bid received: Garfield Street from 12th to Ruby Streets will cost \$43,083.04; Railroad
40 Street from Jackson to 4th Streets is \$81,176.36; and 13th Street from Route 2 to the Ohio
41 River amounts to \$91,912.00, bringing the grand total to \$215,350.80. Councilman
42 Simms made a motion to accept Klug Brothers bid for paving, which was seconded by

1 Councilwoman DeWitt and carried unanimously.

2
3 **Appointment to the Moundsville Zoning Appeals Board**

4 Manager Hess informed Council that Dwight Cunningham was the only applicant for the
5 Zoning Appeals Board vacancy. Councilwoman DeWitt made a motion to confirm Mr.
6 Cunningham's re-appointment; and Councilman Remke seconded the motion, which
7 carried unanimously.

8
9 **Other Items to be Discussed by Council**

10 * Councilman Remke asked about progress on the City website, which Manager Hess said
11 is being worked on.

12
13 * Councilman Wood broached discussion on the bus levy, which was only approved to be
14 on the November ballot. Manager Hess has been in contact with the Ohio Valley Regional
15 Transit Authority to question resident taxation and other issues.

16
17 * Councilwoman DeWitt commented that issues like the bus levy could be included in a
18 City newsletter. Manager Hess and Councilman Wood will work together to get citizens
19 informed on City issues.

20
21 * Councilman Haynes commented the water line at 27 Locust Avenue is still busted,
22 although Water Superintendent Dove confirmed the line is still being worked on.

23
24 **MANAGER ITEMS:**

25 • Manager Hess informed that Councilman Simms was honored at the recent WV
26 Municipal League Conference for 20+ years as a Municipal Elected Official. A plaque
27 is on display at the League office in Charleston.

28
29 • Manager Hess reminded Council the monthly Business After Hours will be held at the
30 Mound Museum Thursday evening from 5:00 to 7:00 PM. Members should contact
31 Secretary Kaufman to confirm reservations.

32
33 • Manager Hess announced the Parks & Recreation Board appointed Kelly Bidka to
34 serve Mike Bell's unexpired term on the Board. Ms Bidka will serve until November
35 20, 2013.

36
37 • Manager Hess thanked Councilman Remke, the Ohio Valley Cost of Freedom
38 committee, and all of the City Staff for their tremendous efforts to prepare for the
39 memorial walls coming to town. Councilman Wood conveyed Richard King's
40 compliments to Manager Hess and all of the City departments for their diligent
41 assistance.

1 **MAYOR ITEMS:**

- 2 • Due to Mayor Wallace's absence, Vice Mayor Saunders commended Councilman
3 Remke for the good set up and agenda for the upcoming weekend events.
4
5 • Vice Mayor Saunders noted the abandoned building at 4th Street and Cedar Avenue is
6 full of garbage and needs addressed.
7
8 • Vice Mayor Saunders expressed displeasure that no progress is being made on the
9 Fostoria property. Manager Hess informed that Tom Brown of Raze International will
10 be meeting with her, then will address Council. Attorney White confirmed the deed
11 paperwork is complete.
12
13 • Vice Mayor Saunders asked about 307 Poplar Avenue, which Manager Hess noted is
14 being addressed.
15
16 • Vice Mayor Saunders asked about the 6th Street buildings; one residence has been
17 cleaned up, and the other is being addressed.
18

19 **COMMITTEE REPORTS:**

20 *Discussion of Recommendations by the Finance Committee*

21 **Discussion of Granting Exemptions on B&O Tax for Construction.**

22 Committee recommended allowing the construction company to pay Business &
23 Occupation Taxes quarterly rather than paying the taxes up front as required by ordinance.
24

25 **Discussion & Review of Financial Statement for July 2012**

26 Vice Mayor Saunders had CPA Goddard review the July 2011 & 2012 Comparative
27 Financial Statements. Councilman Haynes made a motion to accept the July financial
28 statements as presented, which was seconded by Councilwoman DeWitt and carried
29 unanimously. It was noted the check for the street sweeper has been received and the loan
30 balance paid in full.
31

32 **Discussion of Dumpster Purchase**

33 Manager Hess noted delivery of the dumpsters will take five weeks from date of order.
34 There are funds available to pay the invoice in full and not take out a lease-purchase. Vice
35 Mayor Saunders presented a motion to purchase the dumpsters, which was seconded by
36 Councilman Wood and carried unanimously.
37

38 **Discussion of Storm Water Billing Reimbursement from August 2010 to July 2012**

39 Manager Hess explained that Storm Water Superintendent Bonar requested to meet with
40 the Finance Committee in September and will be placed on the agenda.
41
42

1 **Discussion of Alarm System for the City Building**

2 Councilman Simms made a motion to allow Manager Hess to proceed with purchasing a
3 security system. Councilman Haynes seconded the motion for discussion. Councilman
4 Remke is still adamant about providing more security for the Council chambers as well,
5 which will be discussed at future Finance meetings. Manager Hess confirmed the
6 Moundsville Police Department will monitor the system; however, no discount will be
7 allowed on the City's liability insurance. Vice Mayor Saunders called for a roll call vote,
8 and Acting Clerk Ankrom announced the following tally: 5 yeas, 1 nay, with Councilman
9 Remke voting nay. Motion carried.

10
11 *Discussion of Recommendations by the Traffic Committee*

12 **Discussion of Request for Sign to be Changed from “15 Minute Parking” to**
13 **“Customers Parking from 9:00 am to 5:00 PM” for Creative Images on Ash Avenue**

14 This request for a sign change was turned down.

15
16 **Discussion of Curb at 1321 Ruby Street**

17 Upon recommendation, the Street Department will replace the 8” curb with a standard 6”
18 curb.

19
20 **Other Items Discussed by Council**

21 Manager Hess will follow up on the vacant house at 307 Poplar Avenue and the curb repair
22 at 4th Street and Poplar Avenue southwest corner, as well as the Virginia Street concern.

23
24 *Discussion of Recommendations by the Policy Committee*

25 **Discussion Concerning Future of Areas Zoned for Camper Sites**

26 This issue will be discussed again at the September Committee meeting.

27
28 **Discussion of Fostoria Property Deed Mineral Rights**

29 The Fostoria property mineral rights remain with the City of Moundsville.

30
31 **Discussion of Moundsville Building Commission Holding Deed to Four Seasons Pool**

32 The deed to Four Seasons Pool remains under the auspices of the Municipal Building
33 Commission until a decision is made on abolishing the Commission.

34
35 **Discussion to Abolish the Moundsville Building Commission**

36 Further debate will be held on abolishing the Municipal Building Commission.

37
38 **Discussion of Creating an Ordinance to Prohibit Texting While Driving in the City**
39 **of Moundsville**

40 Councilman Wood motioned to direct Attorney White draft the ordinance prohibiting
41 texting while driving in the City of Moundsville, which will conform to the State Law
42 already in place. Councilman Haynes seconded the motion, which carried unanimously.

1 Attorney White explained the law will soon change to cite for texting while driving as a
2 primary charge; it now stands as a secondary charge when stopped for other violations.

3
4 **Discussion of Creating an Ordinance for Defendants Who Fail to Appear in**
5 **Municipal Court**

6 Councilman Wood motioned to direct Attorney White draft an ordinance explaining
7 penalties for defendants who fail to appear in Municipal Court. Motion was seconded by
8 Councilman Remke and carried unanimously.

9
10 **Discussion of Residential Clean Up**

11 No action was taken on having a residential clean up.

12
13 **COUNCIL ITEMS:**

14 * **Haynes** – Previously commented on the Locust Avenue water line.

15
16 * **DeWitt** – Commented on the high grass at Riverfront parking lot, which was mowed
17 today.

18
19 * **Simms** – Commended the Street and Police Departments and all City departments who
20 assisted with preparations for the memorial walls' arrival.

21
22 * **Wood** – Echoed Councilman Simms' thanks to all City workers, Councilman Remke,
23 and others involved with The Wall.

24 * Reminded that Matt Leighninger, author of *The Next Form of Democracy* will have a
25 book signing at the Strand Theater on August 29, 2012 at 7:00 PM. This event is free and
26 open to the public. He noted this is very important to the City, and he would like to see
27 good attendance.

28 * Noted at least four drivers will be needed on September 7 for the 30 faculty and students
29 who will be in town from WVU.

30
31 Attorney White presented eight legal notices to be received and filed. The notices include
32 an ad for sealed bids for street improvements; Special Levy Vote notice; Planning
33 Commission hearing for 903 Lockwood Avenue; Planning Commission hearing for 1001
34 12th Street; civil action versus Ken McCloskey; civil action versus Thomas Lashare; civil
35 action versus Lucinda Safreed; and an ad to sell the street sweeper. Councilman Simms
36 made the motion to receive and file the legal notices, which was seconded by
37 Councilwoman DeWitt and carried unanimously.

38
39 * **Remke** – Thanked Manager Hess and all who believed in and supported The Wall
40 project. He has received many good comments already.

41
42 Councilman Remke made the motion to adjourn, which was seconded by Councilman

1 Haynes. Meeting adjourned at 8:15 PM.

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4

5

Karen L Ankrom, Acting City Clerk

Dennis Wallace, Mayor