

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MAY 1, 2012**

The Council of the City of Moundsville met in regular session in the Council Chambers on May 1, 2012 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson Mark 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 Commissioner Richmond, Building Inspector Schneider, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of April 17, 2012.

Councilperson Saunders made a motion to accept and approve the minutes of the regular council meeting of April 17, 2012, seconded by Councilperson DeWitt. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Dennis Minor, introduced himself as representing Lockwood Enterprises and spoke to council concerning their request for a zone change for 1417-1423 Pearl Street and 1427-1435 Pearl Street.

* Gary Hartley, 107 Thirteenth Street, hopes that council would approve his request for a zone change at 107 Thirteenth Street.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Animal Control and Treatment in the City of Moundsville. (Second Reading)

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, COMPREHENSIVELY AMENDING AND REENACTING ARTICLE 505 OF THE CITY CODE OF THE CITY OF MOUNDSVILLE, RELATING TO ANIMAL CONTROL AND TREATMENT IN THE CITY OF MOUNDSVILLE. (SECOND

READING)

Councilperson Wood made a motion to accept and approve the animal control ordinance, seconded by Councilperson Haynes.

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

Other Items to be Discussed by Council.

* Councilperson Wood asked for an update on the demolition of 17 Hickory Avenue. Fire Chief Clarke reported speaking to Monte Norris of Norris Demolition who advised that they should be on the job within a week or week and a half.

* Councilperson Saunders asked who owns the Riverfront Park, the City of Moundsville or the Moundsville Building Commission? Attorney White will research the question. He commented that the City of Moundsville deeded some property to the Moundsville Building Commission but he is not sure which properties.

* Councilperson Remke asked that the motorcycles bringing the "Freedom Wall" to Moundsville be allow to camp at the Riverfront area south of the park.

* Councilperson Remke asked for a design to show the chain of command in the City. Such as, who is in charge of the parks, who is in charge of the Building Commission and so forth.

* Councilperson Remke asked if Attorney White was able to make contact with any of the gas drillers. Attorney White advised that he was in contact with one driller.

* Councilperson Remke asked Manager Hess if she could provide council with updates on the Sanitary repairs & Water Plant repairs.

* Councilperson DeWitt expressed concerns on gas drilling due to the Indian Burial ground at the 12th Street property. Attorney White reported the lease being a non-surface lease.

* Councilperson Saunders asked if there was a work order for 211 Olive Avenue? Manager Hess reported not that she was aware of.

NEW BUSINESS:

Discussion and Approval of an Ordinance Pertaining to a Zone Change for 107 Thirteenth Street. (First Reading)

Councilperson Simms motioned to remove from the table the ordinance pertaining to a zone

change at 107 Thirteenth Street, seconded by Councilperson Wood. Motion carried unanimously.

AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA ON THIRTEENTH STREET IN THE CITY OF MOUNDSVILLE FROM A CENTRAL BUSINESS DISTRICT ZONE AND A NEIGHBORHOOD COMMERCIAL ZONE TO A HIGHWAY COMMERCIAL AND INTEGRATED COMMERCIAL CENTER ZONE. (FIRST READING)

Council members were not in agreement to include lot 7, where his building is located, in the C-H zone. (C-H zone does not include bunkhouses). Mayor Wallace said he would rather see the properties changed to a Special Event District S-E. Mr. Hartley asked council to reconsider the ordinance by changing the zone on lots 5,6 & 8 to C-H and lot 7 to R-M.

After further discussion, Councilperson Saunders made a motion to approve the amendments to the zone change at 107 Thompson Avenue lots 5, 6 & 8 to C-H and lot 7 to R-M, seconded by Councilperson Remke. Motion carried unanimously.

Councilperson Simms made a motion to approve the zone change ordinance, as amended, seconded by Councilperson Wood.

Councilperson DeWitt expressed her concern of transient workers so close to a playground.

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

Discussion and Approval of a Recommendation by the Moundsville Planning Commission to Direct the City Attorney to Draft a Zone Change Ordinance for 1417-1423 Pearl Street & 1427-1435 Pearl Street from Mobile Home Park (M-P) to Special Event District (S-E).

After discussion and researching sections of the city code, Councilperson Simms made a motion to direct the City Attorney to draft an ordinance to permit 1417-1423 Pearl Street & 1427-1435 Pearl Street from Mobile Home Park (M-P) to Special Event District (S-E), seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Consideration of Lease Renewal for the Moundsville Rifle & Pistol Club.

Councilperson Simms made a motion to renew the 5 year lease to the Moundsville Rifle & Pistol Club, seconded by Councilperson Wood. Motion carried unanimously.

Discussion and Consideration of Terminating the Lease Agreement with Department of Corrections on the Former State Police Barracks Building.

Councilperson Saunders made a motion to terminate the lease agreement between the City of Moundsville and the Department of Corrections, seconded by Councilperson DeWitt. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Wood recommended the Moundsville Planning Commission and council get on track with allowing campers to park all over Moundsville. City Manager Hess will add this item to the Policy agenda.

* Councilperson Remke recommended the Finance Committee discuss the purchase of tasers for the Police Department.

* Councilperson Remke asked if the City of Moundsville requires businesses to have insurance on their buildings? Attorney White advised the city does not. Councilperson Remke asked for the discussion be on the Policy agenda.

* Councilperson DeWitt asked that a street sweeper parking schedule be discussed at the Traffic meeting.

* Councilperson Remke asked about citizens placing fences up against the sidewalk. Attorney White advised that citizens are permitted to place fences on their property right along the sidewalk.

* Councilperson Remke asked to update council members on the "Freedom Wall" at the Traffic meeting.

MANAGER ITEMS:

* City Manager Hess advised council the Primary Election in Marshall County is Tuesday, May 8, 2012, in which the City Building is closed. Council decided to reschedule the sub committee meeting on May 9, 2012 at 5:00 p.m.

* City Manager Hess advised that Patrick Kirby would like to meeting on May 29, 2012 at 6:00 p.m., concerning Fostoria updates.

MAYOR ITEMS:

* Mayor Wallace expressed that he is not against Mr. Hartley's zone change however he does not agree with the property being zone C-H.

* Mayor Wallace congratulated to the Minor Family on their new business adventure.

COUNCIL ITEMS:

* **DeWitt** - Asked if the request to open Washington Avenue from Eighth Street to 11th Street will be discussed at the traffic meeting? City Manager Hess noted the request is on the agenda.

* **Saunders** - Asked for an update on 329½ Thorn Avenue? Building Inspector Schneider advised a bench trial will be on Thursday, May 3. They were making some progress, installing a new electric meter box and working on the ground.

* Asked what can be done about residents of Moundsville with OH plates on vehicles. He knows the procedure through the Marshall County Assessor's Office but there seems to be more vehicles every day. Councilperson Saunders will approach the Marshall County Commission.

* **Haynes** - Reported complaints from residents of someone working on vehicles from the garage at 28 Park Street. Manager Hess advised the property was denying for a zone change by the Moundsville Planning Commission.

* **Remke** - Asked that council take action toward owners of building on Jefferson Avenue who do not follow the code to keep their buildings presentable.

* Requested that council sign a proclamation on Saturday, May 26, 2012 proclaiming the City of Moundsville the "City of Glory" in honor of Fools Parade.

* Received complaints that paint used on the Moundsville Arch Moore bridge is toxic. Manager Hess will look into the flyer left at Councilperson Remke's residents.

* **Wood** - Asked that money's that are made from activities held in Moundsville should be donated to a local charity in Moundsville.

* **Simms** - Asked if the Building Inspector could speak with Mr. Hartley and let him know that council is not against his request only the zone he is requesting. He should seek the Special Events (S-E) zone.

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

Meeting adjourned at 8:22 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor