

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **OCTOBER 16, 2012**

3
4 The Council of the City of Moundsville met in regular session in the Council Chambers on
5 October 16, 2012 at 7:00 p.m.

6
7 Meeting was called to order by Mayor Dennis Wallace.

8
9 Invocation by Councilperson Simms.

10
11 City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt,
12 Haynes Remke, Saunders, Simms, Wood and Mayor Wallace. Also present: City Manager
13 Deanna J. Hess, Police Chief Mitchell, Fire Chief Clarke, Street Laborer Wallace, Building
14 Inspector Richmond, Attorney Thomas White, CPA Kathryn Goddard and City Clerk Hewitt.

15
16 **MINUTES:**

17
18 **Regular Council Meeting of October 2, 2012.**

19
20 Councilperson Saunders moved to accept and approve the minutes of the regular council meeting
21 of October 2, 2012, seconded by Councilperson DeWitt. Motion carried unanimously.

22
23 **OLD BUSINESS:**

24
25 **Other Items to be Discussed by Council.**

26
27 * Councilperson Wood asked Chief Mitchell if the Marshall County Sheriff Department was
28 interested in purchasing the city's scales? Chief Mitchell replied they were not interested.

29
30 * Councilperson Remke asked for an update on the city's website. Manager Hess advised that
31 she and Chief Mitchell are still working on website.

32
33 * Councilperson DeWitt commented on the work done on the storm drain at 12th & Garfield
34 Street before paving but Manager Hess noted the state was contacted concerning a tree that needs
35 removed, but this problem will not hinder paving.

36
37 **NEW BUSINESS:**

38
39 **Discussion and Approval of an Ordinance for Defendants Who Fail to Appear for**
40 **Municipal Court. (First Reading)**

41
42 Attorney White read the following ordinance by title only to be passed by council on first
43 reading:

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST
2 VIRGINIA, AMENDING AND REENACTING SECTION 171.L07 OF THE CODE OF
3 THE CITY OF MOUNDSVILLE, PROVIDING FOR MEANS OF DEALING WITH
4 PERSONS WHO MAY FAIL TO APPEAR AS REQUIRED IN MUNICIPAL COURT,
5 BY PERMITTING THE ARREST AND APPREHENSION OF SUCH PERSONS, AND
6 PROVIDING FOR THE MISDEMEANOR OFFENSE OF "FAILURE TO APPEAR"
7 AND PROVIDING FOR CONVICTION AND PENALTIES FOR THE VIOLATION
8 THEREOF. (FIRST READING)

9
10 Councilperson Saunders moved to approve the above ordinance, seconded by Councilperson
11 DeWitt.

12
13 Mayor Wallace called for a voice vote. City Clerk announced the following tally. Remke,
14 Saunders, Simms, Wood, Mayor Wallace, DeWitt and Haynes. 7 yeas. Motion carried
15 unanimously.

16
17 **Discussion and Approval of an Ordinance Pertaining to Fees for Registered Rental**
18 **Housing. (First Reading)**

19
20 Attorney White read the following ordinance by title only to be passed by council on first
21 reading:

22
23 AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST
24 VIRGINIA, ENACTING ARTICLE 1109 OF THE MUNICIPAL CODE OF THE CITY
25 OF MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF AN ORDINANCE
26 PROVIDING FOR REGISTRATION OF RENTAL HOUSING BUILDINGS, FEES, AND
27 PROVISIONS FOR OCCUPANCY PERMITS EACH TIME A NEW TENANT IS TO
28 OCCUPY RENTAL PROPERTY, AND PENALTIES FOR VIOLATIONS. (FIRST
29 READING)

30
31 Councilperson Remke made a motion to approve the above ordinance, seconded by
32 Councilperson Haynes.

33
34 Mayor Wallace called for a voice vote. City Clerk announced the following tally. Wood, Mayor
35 Wallace, DeWitt, Haynes and Remke voting yea. Saunders and Simms voting nay. 5 yeas, 2
36 nays. Motion carried.

37
38 **Discussion and Approval of an Ordinance Pertaining to Stormwater User Fees. (First**
39 **Reading)**

40
41 Attorney White read the following ordinance by title only to be passed by council on first
42 reading:

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
2 **VIRGINIA, AMENDING THE CODE OF THE CITY OF MOUNDSVILLE BY**
3 **AMENDING AND REENACTING SECTION 922.06 PROVIDING FOR STORMWATER**
4 **USER FEES, BY ADDING A REQUIREMENT FOR SAID FEES TO APPLY TO**
5 **MOTOR HOMES AND CAMPERS AS SINGLE DWELLING UNITS. (FIRST**
6 **READING)**

7
8 Councilperson Simms moved to approve the above ordinance, seconded by Councilperson
9 DeWitt.

10
11 Mayor Wallace called for a voice vote. City Clerk announced the following tally. Simms,
12 Wood, Mayor Wallace, DeWitt, Haynes, Remke and Saunders. 7 yeas. Motion carried
13 unanimously.

14
15 **Discussion and Approval of a Zone Change Ordinance for 1500 Water Street from R-M to**
16 **S-E. (First Reading)**

17
18 Attorney White read the following zone change ordinance by title only to be approved by council
19 on first reading:

20
21 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING**
22 **TO CHANGE A CERTAIN DESIGNATED AREA ON FIFTEENTH AND WATER**
23 **STREETS IN THE CITY OF MOUNDSVILLE FROM MULTI-RESIDENTIAL**
24 **DISTRICT ZONE TO A SPECIAL EVENT DISTRICT ZONE. (FIRST READING)**

25
26 Mayor Wallace moved to approve the zone change ordinance, seconded by Councilperson
27 Haynes.

28
29 Mayor Wallace called for voice vote. City Clerk announced the following tally. Wood, DeWitt,
30 Remke and Saunders voting nay. Wallace, Haynes and Simms voting yea. 4 nays, 3 yeas.
31 Motion failed.

32
33 **Discussion and Approval of an Ordinance Fees for Camping Trailers in the City of**
34 **Moundsville. (Second Reading)**

35
36 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
37 **VIRGINIA, ENACTING SECTION 735 REGARDING RULES, REGULATIONS, AND**
38 **LICENSE FEES FOR TRAILER CAMPS IN THE CITY OF MOUNDSVILLE.**
39 **(SECOND READING)**

40
41 Councilperson Wood noted this item was tabled at the Policy Committee meeting until the
42 November meeting.

1 **Discussion of a Recommendation by the Moundsville Planning Commission to deny a**
2 **request for a zone change at 903 Lockwood Avenue from I (Industrial) to C-C-C-H**
3 **(Combined Central Business & Highway).**
4

5 Councilperson Wood moved to accept the recommendation by the Moundsville Planning
6 Commission to reject the requested zone change proposal at 903 Lockwood Avenue, seconded by
7 Councilperson Saunders. Motion carried unanimously.
8

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

10
11 * Councilperson Wood reported being pleased with the results from the Community Design
12 Team a total of approximately 60 attended. The team will return on November 9 to present a full
13 report. The presentation will take place at 4:00 p.m. possibly at John Marshall.
14

15 * Councilperson Saunders discussed the option of evaluation raises for employees instead of 1 or
16 2 percent across the board raises. This suggestion could be discussed further at budget time
17 along with cost of living.
18

19 * Councilperson Remke requested the discussion of a charter change at the policy meeting
20 concerning the election of mayor by the citizens.
21

22 * Councilperson Remke presented a letter to council, addressed to the WV DOH District
23 Engineer, concerning Jefferson Avenue sinking after installation of new sewers and storm
24 sewers. Councilperson Remke asked in the letter that DOH re-route truck traffic until the
25 problem is solved.
26

27 Councilperson Saunders asked, if there is a major problem on Jefferson Avenue, why wasn't the
28 City Manager aware of this and shouldn't she be working with the Water Board and Sanitary
29 Board to correct the problem. Manager Hess noted that she was not aware of asphalt removal or
30 Jefferson Avenue being completely tore up.
31

32 * Councilperson Remke asked for the no parking signs to be removed on Jefferson Avenue at St.
33 Francis School.
34

35 **MANAGER ITEMS:**

36
37 * Manager Hess announced that Nobel Energy invited the City Manager and council on a rig tour
38 Wednesday, October 24, 2012. She will notify council of a time.
39

40 * Business After Hours will be held on Thursday, October 25, 2012 at Main Street Bank.
41

42 * Manager Hess announced that paving has begun on 13th Street. Garfield Street was skipped
43 until the drain was fixed.

1 * Manager Hess wished to thank Councilperson Wood for taking the lead in amending the
2 Comprehensive Plan.

3
4 * Moundsville Trick or Treat will be held on Wednesday, October 31, 2012 from 6:00 to 7:30
5 p.m.

6
7 * Manager Hess announced the vacant building list will be revised to a color coded format.

8
9 **MAYOR ITEMS:**

10
11 * Mayor Wallace noted that November 6 is election day and asked council members to consider
12 another date for the meeting. Councilperson Remke moved to reschedule the regular council
13 meeting to November 7 at 7:00 p.m., seconded by Councilperson Saunders. Motion carried
14 unanimously.

15
16 **COMMITTEE REPORTS:**

17
18 **Discussion of Recommendations by the Finance Committee.**

19
20 1. Discussion of Granting Employees One Time Clothing Allowance in the Amount of \$500.
21 Committee recommends to approve a one time \$500 clothing allowance for full time employees
22 and \$200 for part time employees.

23
24 Councilperson Saunders moved to approve a one time \$500 clothing allowance for full time
25 employees and \$200 for part time employees, seconded by Councilperson DeWitt for discussion.

26
27 Councilperson DeWitt asked why part time was getting \$200 instead of \$250? Manager Hess
28 noted the break down was based on last year's amount.

29
30 After further discussion, Councilperson DeWitt moved to amend the motion to give part time
31 employees \$250, seconded by Councilperson Simms.

32
33 Mayor Wallace called for a vote on the original motion. 7 yeas. Motion carried unanimously.

34
35 2. Discussion of Request from John Marshall Boys Basketball Boosters Program to be an
36 Advertising Sponsor. Committee recommends donating \$50 to JM Boys Basketball Program.

37
38 Councilperson Saunders moved to sponsor JM Boys Basketball Boosters in the amount of \$50,
39 seconded by Councilperson Simms.

40
41 Councilperson Wood commented on donations to schools and non profit organizations stating
42 the monies should be a budgeted item. Councilperson Simms rescinded his second and
43 Councilperson Saunders rescinded his motion.

1 3. Discussion of Request from John Marshall Hockey Program. Committee recommends
2 donating \$50 to JM Hockey Program.

3
4 Councilperson Saunders moved to donate \$50 to JM Hockey Program. Motion failed for lack of
5 second.

6
7 **Discussion of Recommendations by the Traffic Committee.**

8
9 **Discussion and Approval of an Ordinance Pertaining to an Abandonment for a Sidewalk
10 on Ninth Street in Moundsville. (Second Reading)**

11
12 Attorney White read the following ordinance by title only to be passed by council on first
13 reading:

14
15 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST
16 VIRGINIA, VACATING, ABANDONING AND ANNULLING A PORTION FOR A
17 SIDEWALK ALONG NINTH STREET NEAR ITS INTERSECTION WITH
18 LAFAYETTE AVENUE. (SECOND READING)**

19
20 Councilperson Simms moved to approve the abandonment ordinance, seconded by
21 Councilperson DeWitt.

22
23 Mayor Wallace called for a voice vote. City Clerk announced the following tally. Mayor
24 Wallace, DeWitt, Haynes, Remke, Saunders, Simms and Wood. 7 yeas. Motion carried
25 unanimously.

26
27 **Discussion of Recommendations by the Policy Committee.**

28
29 Items were voted on first reading under new business.

30
31 **COUNCIL ITEMS:**

- 32
33 * **Haynes** - Nothing at this time.
34
35 * **Saunders** - Announced that a Big A#% fan was installed inside Four Seasons Pool but can not
36 operate while citizens are swimming. The board was under the impression the purchase was for
37 an exhaust fan.
38
39 * Thanked the City Manager for the report on the vacant houses.
40
41 * Again requested patrol at Jackson Street & Poplar Avenue.
42
43 * Asked Chief Mitchell if he was going to have neighborhood watch meetings again. Chief

1 Mitchell advised due to lack of interest or lack of attendance meetings have not been scheduled.
2 Councilperson Haynes suggested holding meetings in each ward. Chief Mitchell also suggested
3 if groups have church meetings or auxiliary meetings he could attend to explain the
4 neighborhood watch program.

5
6 * **Simms** - Nothing at this time.

7
8 * **Wood** - Asked what the process is for cleaning up leaves? Manager Hess noted if citizens call
9 for leaves to be vacuumed, the street department will respond. Councilperson DeWitt spoke with
10 Street Commissioner Richmond who advised the Street Department was going to start by the end
11 of the week and hopefully follow the street sweeper schedule.

12
13 * Expressed that he is not against giving donations but feels the funds should be appropriated in
14 the budget.

15
16 * Suggested giving certificates of appreciation to the groups and individuals who have provided
17 assistance, contributed time and money in developing the Comprehensive Plan.

18
19 * **Remke** - Congratulated Councilperson Wood for his time and efforts with the Comprehensive
20 Plan. Hopes that council and citizens will show more support and participation.

21
22 * Asked if the city was charging for excessive garbage? Mayor Wallace noted that Sanitation
23 Drivers will report the excess to the office.

24
25 * Asked for an update at 504 Washington Avenue. Building Inspector Richmond reported that
26 he inspected on Friday stating the roaches are not visible as they were in the beginning. The
27 owner has started to clean out the inside of the house. He will continue to inspect weekly.
28 Attorney White commented on the agreement from Municipal Court that she will continue to
29 clean up the property and agree to weekly inspections by the Building Inspectors. If for any
30 reason she defaults, she will be prosecuted by the city on both charges.

31
32 * Ask council to consider a hoarding ordinance due to the buildings at Third Street & Jefferson
33 Avenue. Attorney White stressed that the City of Moundsville does not have a hoarding
34 ordinance that citizens can have as much junk in their house as long as the structure of the
35 building is solid.

36
37 Chief Clarke noted that Fire Prevention Week is going on. The Fire Department is very busy
38 with annual inspections and any concerns dealing with city codes will be addressed.

39
40 * Suggested sponsoring Student Government Day so school students understand the importance
41 of government and the Comprehensive Plan.

1 * **DeWitt** - Thanked Councilperson Wood for taking on the responsibility to lead council,
2 organized groups and volunteers through the phases to amend the city's Comprehensive Plan.
3 He has put in countless hours, answered and sent emails, scheduled numerous meetings and
4 encourages everyone to participate.

5
6 Councilperson DeWitt made a motion to adjourn, seconded by Councilperson Wood. Motion
7 carried unanimously.

8
9 Meeting adjourned at 8:30 p.m.

10
11
12
13
14
15 _____
Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor