

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
OCTOBER 21, 2014**

The Council of the City of Moundsville met in regular session in the Council Chambers on October 21, 2014 at 7:00 p.m.

Meeting was called to order by Mayor Saunders.

Invocation by Vice Mayor David Wood.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, D. Haynes, P. Haynes, Remke, Wood and Mayor Saunders. Absent: Simms. Also present: City Manager Deanna J. Hess, Police Chief Mitchell, Fire Chief Clarke, Street Commissioner, Attorney Thomas White, CPA Kathryn Goddard and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of October 7, 2014.

Councilperson Wood made a correction on page 5, line 20 should read, "Marshall County Chamber, not Marshall County Commission." Councilperson P. Haynes moved to accept and approve the minutes of the regular council meeting of October 7, 2014, as amended, seconded by Councilperson DeWitt.

GENERAL PUBLIC HEARING:

* Allen Hendershot, 1 Hess Court, Chairman of the Sanford Center, thanked council for reconsidering their vote to sell the Sanford Center. They do hope that council would still consider voting this evening on the matter.

Councilperson D. Haynes asked if the board would consider purchasing the building for \$1.00? Mr. Hendershot explained the board is not interested in purchasing the property due to the members come and go all the time. He said the board is in the process of cleaning the mold and roof repair has been done.

Councilperson Remke asked if the lease, signed by council and the board, can be broken. Attorney White said only if both parties agree. If it were sold it would be subject to the lease. If it was sold during their term, whoever bought the property would have the center as renters until their term expired. Mr. Remke asked if the center was suppose to be used as an after school program when the city took ownership. Mr. Hendershot advised it was until Congressman Mollahan failed to be re-elected that they lost a \$200,000 grant that he proposed. Councilperson Remke also noted the Sanford Center, which rents spaces to businesses, is zoned R-U.-

* Mayor Saunders asked why the city was turned down when they wanted to use a room for storage if they own the building. Mr. Hendershot said the board makes their money from renting rooms, so they can't just give away rooms. The property is owned by the city but managed by the board.

* Mark Johnson, 109 Morton Avenue, thanked City Manager Hess for installing "Children at Play" signs on Morton Avenue. Also reported a large separation at the end of Morton Avenue.

* Della Deskins, 318 Olive Avenue, announced she has been a Sanford Center board member from the beginning. She noted their meetings are the 1st & 3rd Wednesday of the month.

* Donald Bonnette, 113 Morton Avenue, thank City Manager for installing signs. He also asked if council was voting on taking the matter to Circuit Court to remove the gate installed by Mr. Rickrode off of Morton Avenue & Second Street. This matter was not placed on the agenda due to the finance sub-committee meeting not having a quorum. This matter will be discussed again at the November 10, 2014 sub-committee meetings.

* Candy Dobbs, 35 Jones Street, hopes that council as well as the Sanford Board wants this matter resolved. They are hoping the council re-consider selling the property.

Councilperson D. Haynes asked if the Sanford Board members have a payroll. She advised that everyone of the members are volunteer.

* David Seum, 112 Elm Avenue, also a member of the Sanford Board, said he is concerned about the businesses having to relocate which would be detrimental to that business. The center does offer all types of services such as football & baseball practice in the gym during the winter. Hopes council does reconsider the sale.

OLD BUSINESS:

Consider for Adoption on Second Reading for an Ordinance of the City which would Approve the Issuance by the City of Moundsville Building Commission of its Lease Revenue Bonds in an Amount not to Exceed \$400,000 for the Purpose of Financing Costs of the Purchase of the Kittle Property and Authorizing the Leasing of the Financed Property from the City of Moundsville Building Commission and the Execution and Deliver of a Lease Agreement and All Documents Necessary in Connection Therewith. (Second Reading)

Attorney White read the revenue bond ordinance by title only to be passed by council on second reading.

Councilperson Wood made a motion to approve the revenue bond ordinance, seconded by Councilperson DeWitt.

Councilperson D. Haynes remarked that in the beginning when council members were looking at the property they were under the assumption that all the property was included in the sale. City Engineers researched the property, it was discovered that a portion of the property was owned by another individual. He said council directed the City Attorney to renegotiate the price. So he will be voting no on the ordinance.

Mayor Saunders called for a voice vote. City Clerk announced the following tally. Saunders, Wood and DeWitt voting yea. P. Haynes, Remke and D. Haynes voting nay. 3 yeas, 3 nays. Motion failed.

Councilperson Wood asked Attorney White where the city would go from here? Bond Counselor Tom Aman, Steptoe & Johnson advised the lease arrangement needs to be approved by council in order to move forward. He commented since the ordinance was passed on first reading then it could be reconsidered at the next meeting.

Attorney White explained that any council member can vote to reconsider the ordinance. Only if reconsideration is at the same council meeting can a person who voted no can make the motion and second to reconsider.

Other Items to be Discussed by Council.

* Councilperson DeWitt asked if the city has billed for “In Kind” services? Manager Hess advised Street Commissioner Richmond will be gathering those invoices and turning the in to her secretary.

* Councilperson Remke asked if the \$5,000 from Gumby’s; \$2,000 from AEP and \$9,000 from Marshall County Commission donated to the skateboard park have been used at the skatepark? Mayor Saunders said Gumby’s did not donate \$5,000, however, the other donations will go toward the purchase of the remaining equipment at the skatepark.

NEW BUSINESS:

Discussion and Approval of a Recommendation by the Moundsville Planning Commission to Approve a Zone Change at 303 11th Street from R-M to C-C-C-H.

Councilperson D. Haynes made a motion to direct the city attorney to draft a zone change ordinance from R-M to C-C-C-H, seconded by Councilperson Remke.

Councilperson Wood said the residents in that area are concerned with lights, noise and traffic in that area. Manager Hess commented that Auto Choice will work out the concerns with residents.

Mayor Saunders called for a voice vote. City Clerk announced the following tally. 5 yeas, 1 nay. Wood voting nay. Motion carried unanimously. Councilperson Remke commented he

feels as long as both parties are working together he was in favor of the zone change.

Discussion and Approval of a Resolution Authorizing the City to Enter into a Contractual Agreement with the Governor's Community Partnership Office for a Grant Award. (Moundsville Baseball Association - \$2,000)

Councilperson Wood made a motion to approve the agreement, seconded by Councilperson Remke. Motion carried unanimously.

Discussion and Approval of Recommendations by the Moundsville Police Civil Service Commission to the Police Rules and Regulations.

The Moundsville Policeman's Civil Service Commission has provided council with recommendations to change local rules and regulations regarding: (1) Testing to be conducted 2 times per year. The Commission is requesting to provide testing as many times necessary to keep and maintain a list of eligible candidates. (2) WV Academy Changes in Physical Aptitude/Agility Standards. The Commission is requesting to follow WV standards.

D. Haynes moved to approve the recommendations by the Moundsville Policeman's Civil Service Commission, seconded by Councilperson Remke. Motion carried unanimously.

Other Items to be Discussed by Council.

- * Councilperson DeWitt reported pot holes on McKinley Street & Ruby Street.
- * Councilperson P. Haynes requested both Building Inspectors meet at 9:00 a.m. to discuss some issues at 53 Locust Avenue.
- * Councilperson Wood discussed some items provided by Jared Anderson, WVU Law School, who helped with the Comprehensive Plan and also helping to revise the city's zoning ordinances.
- * Councilperson Wood reminded council of Municipal Government Month which he wants council members and department heads to participate and after speaking with Sheriff Kevin Cecil, they may participate as well. Also, inviting past and present Mayors to participate.
- * Councilperson Remke said he has asked several times for the city to inspect the Tucker property and Taylor property located at the former Carolina Furniture Store, Third Street & Jefferson Avenue. Mr. Remke looked through the windows of the building and saw no aisle way open to walk though. He feels it is a fire hazard.
- * Councilperson Remke complained meters in city are not working. Need meters replaced.
- * Councilperson Remke complained treadmills are not working at Weight Room at Four Seasons

Pool.

* Councilperson Wood made comment to complaints by Councilperson Remke saying he was grandstanding during the council meeting due to the 2014 election.

MANAGER ITEMS:

* Manager Hess presented council members with information received by Building Inspector Richmond from a Land Use meeting.

* Manager Hess also presented council members with the Open Governmental Proceedings Act .

MAYOR ITEMS:

* Mayor Saunders said equipment has been ordered from the American Ramp Company for the East End skateboard park.

* Mayor Saunders reported the street light on Annadale Avenue has not been replaced at this time.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

No quorum was present at the finance meeting.

Discussion and Approval of Recommendations by the Policy Committee.

Discussion of Ordinance Pertaining to Outdoor Recreational Facilities being Tobacco Policy Committee recommends to instruct City Attorney to draft amendment to Article 1106.01 of Code.

Councilperson DeWitt moved to direct the city attorney to draft an ordinance pertaining to outdoor recreational facilities being tobacco free, seconded by Councilperson Remke. Motion carried unanimously. (The draft will be discussed at the next sub-committee meeting.)

Discussion and Approval of Recommendations by the Traffic Committee.

No quorum was present at the traffic meeting.

COUNCIL ITEMS:

* **Wood** - Received a letter from Bob & Sabrina Montgomery thanking the City of Moundsville for helping them with excavation at the John Marshall Baseball Field.

* Councilperson Wood made a motion to change the sub committee meetings from November 11 to November 10 at 5 p.m., seconded by Councilperson DeWitt. Motion carried unanimously.

* **Remke** - Thanked the Moundsville Water Board and Department for outstanding water service and installing new water meters.

* Thanked the City Manager for authorizing clean up at 2006 Seventh Street. City Manager said the property will then have a lien placed upon it.

* **DeWitt** - Addressed Councilperson Remke's comment about the fitness room at the Four Seasons Pool competing with other fitness businesses. She feels Four Seasons Pool fitness room is not competing. Passes are purchased that allow anyone to use all the facilities at the pool.

* **P. Haynes** - Nothing at this time.

* **D. Haynes** - Directed the question to City Attorney Thomas White asking if it would be appropriate for him to change his vote on the bond ordinance.

Attorney White said the side with the majority vote can bring it back for a vote, which in this case, there was not majority because it was a tie vote of 3-3. However, Attorney White said that council can vote to suspend Roberts Rules of Order, with respect to the bond issue and if it passes by 2/3 vote, then council can re-vote on the bond ordinance.

Councilperson D. Haynes made a motion to suspend Roberts Rules of Order, seconded by Councilperson P. Haynes.

Mayor Saunders called for a voice vote. City Clerk announced the tally. DeWitt, Remke, Wood and Mayor Saunders voting nay. D. Haynes & P. Haynes voting yea. 4 nays, 2 yeas. Motion failed.

Councilperson Remke made a motion to adjourn, seconded by P. Haynes. Motion carried unanimously.

Meeting adjourned at 8:00 p.m.

Sondra J. Hewitt, City Clerk

Eugene Saunders, Sr., Mayor