

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
OCTOBER 7, 2014**

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

Meeting was called to order by Mayor Saunders.

Invocation by Councilperson Mark Simms.

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

MINUTES:

Regular Council Meeting of September 16, 2014.

Councilperson P. Haynes moved to accept and approve the minutes of the regular council meeting of September 16, 2014, seconded by Councilperson DeWitt. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Allen Hendershot, 1 Hess Court, Chairman of the Sanford Center Board of Directors, feels there was a break-down in communication and asked council to reconsider the sale of the center until the board and council can talk together.

* Chuck Loy, Wheeling, daughter is owner of Take a Bow Dance Studio, hoped council reconsider selling the center. Their dance studio started in Wheeling with 100 students, since moving to Moundsville they have acquired at least 300 students.

* Deanna Loy, daughter is owner of dance studio and was unable to attend due to dance classes already scheduled. Opening the studio was her daughters dream.

* Della Deskins, 318 Olive Avenue, one of the original board members of the Sanford Center announced she not does wish to see the center sold. The board sponsors several events at the center.

* Candy Dobbs, 35 Jones Street, also a board member, addressed Mrs. DeWitt's concern of a mold problem. Announced the room in question is no longer being rented out. She advised the board has received estimates on mold clean up.

* Terri Marling, Shadyside OH, said her daughter is a student at the Dance Studio. Asked council not to take away the children's dance studio.

* Don McNabb, 314 Chase Lane, wife and friend own All Seasons Crafts, noted the Sanford building is a great incubator for small businesses to get their start. Asked council to reconsider the sale.

* Michele Giovengo, McMechen, said her daughter is a member of the Dance Studio. The studio is nonstop seven days a week. Suggested council members stop by to see the studio and the other business located inside the center.

* Pam Myers, 211 Grant Avenue, has an interest in the Sanford Center. Her children went to school at Sanford and she taught there as well. Mrs. Myers has grandchildren that participate at the dance studio. She said she didn't know of any reason why council want to sell the building since the city is not losing any money from the building.

* Alita Ross, owner of Tranquil Touch located inside the Sanford Center, said her business was in Wheeling with minimal clients when she moved to Moundsville client participation increased tremendously.

* Melissa Haught, 101 Washington Lands, children are enrolled at the dance studio as well as her niece. She drove her children from Wheeling 5 days a week to the dance studio. Hopes council reconsiders selling the property.

* Mendi Hazard, 433 Clinton Avenue, said her daughters dance on the competition team. She takes them to the studio 3 days a week. She and her daughters do not want the studio to close.

* David Seum, 112 Elm Avenue, board member of the Sanford Center, selling the building would effect not only the citizens of Moundsville but local area citizens.

Councilperson Simms apologized to the audience for not knowing all the events sponsored by the Sanford Center stating this evening has changed his mind on the sale of the building.

* Donald Bonnette, 113 Morton Avenue, said he has the deed to Ms. Gouldsberry's house on Second Street and it show that the area in question is an alley. This issue is in the hands of council and needs to be re-opened.

Mayor Saunders said council did not approve the installation of the gate across Morton Avenue nor did they tell Mr. Rickrode he could install the gate.

Councilperson Remke read from January 4, 2011 council meeting minutes, "Councilperson Remke mentioned the problem with Mr. Rickrode's property on Morton Avenue. Public Works Director Richmond elaborated on the work that has been done to alleviate issues in that area. Manager Hendershot confirmed they will continue to work toward an adequate solution." And

minutes of February 15, 2011, “Richard Rickrode, 120 Morton Avenue wanted to thank the city for fixing part of the street where flooding was being a problem he appreciates the help.” The favor has caused a problem in that neighborhood and should be corrected.

* Carl Boso, 305 10th Street, said if what he is understanding, anyone in the city can block an alley beside their house?

Councilperson Simms said council has no control over private alley’s.

* Mark Johnson, 109 Morton Avenue, reported Harry Moore sent him a letter and in the letter Mr. Moore said he consulted with the City’s Attorney, Tom White. Attorney White said he didn’t advise Mr. Moore to send the letter. He also asked Mayor Saunders why city council has no control over alleys? Mr. Johnson also complained the yellow line was supposed to be painted gray by Mr. Rickrode’s house.

Attorney White explained the old deed indicates the area was designed as a private alley, it was only usable by the persons that adjoin the alley, it was never meant to be a public alley. And the city has never adopted it into its system and therefore the city does not have any control over the alley.

* B. J. Schillaci, 708 Second Street, thanked council for listening to their complaints. He feels Mr. White, in his opinion, is wrong. The property in question has never been a private alley. Mr. Schillaci said Mr. Rickrode wants an island of privacy in the middle of the city. Where is the vote of this council to allow the installation of the gate. Mr. White was wrong to dictate his opinion.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson Wood asked for an update on the Riverfront docks. Manager Hess reported meeting with DNR. An engineer will be meeting her at a later date.

* Councilperson Remke requested the city’s aging reports of delinquent accounts. He informed council he will make a complaint to FOIA. Also, he will include the building tracking report to FOIA.

* Councilperson Remke reported trees and weeds have been left on the property at Poplar Avenue after the demolition. He asked why didn’t demolition company remove the trees.

* Councilperson Remke reported grass in yards are still high.

* Councilperson Remke said he was unhappy the city was not approved for Home Rule and hopes that council apply in 2019.

* Councilperson DeWitt asked since Councilperson Haynes will not be present at the sub-committee meeting she hopes to table the discussion of the ATV ordinance.

NEW BUSINESS:

Consider for Adoption on First 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 Delivery of a Lease Agreement and All Documents Necessary in Connection Therewith.

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

Councilperson Wood made a motion to accept and approve the ordinance pertaining to Lease Revenue Bonds for the purchase of Kittle Property, seconded by Councilperson DeWitt.

Mayor Saunders called for a voice vote. City Clerk announced the following tally. 5 yeas, 1 nay. DeWitt, P. Haynes, Simms, Wood and Saunders voting yea, Remke voting nay. Motion carried.

Consider for Adoption a Resolution on Open Governmental Proceedings Rules.

Councilperson Wood made a motion to adopt the resolution on Open Governmental Proceedings Rules, seconded by Councilperson Remke. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a Lease Purchase Agreement for a New Dura Street Patcher and Storage Tank.

Councilperson Remke made a motion to authorize the lease purchase of a dura patcher and storage tank, seconded by Councilperson Simms. Motion carried unanimously.

Discussion and Approval of Bid Award for Rear Load Dumpster Container.

Councilperson Remke made a motion to award bid of 72 dumpsters to Valley Can, Inc., in the amount of \$49,130.00 seconded by Councilperson P. Haynes. Motion carried unanimously.

Discussion to Change November 4 Council Meeting Due to State/County/City Election.

Councilperson DeWitt made a motion to moved regular council meeting to Monday, November 3, 2014, seconded by Councilperson Remke. Motion carried unanimously.

Appointment to the Zoning Appeals Board. (Council Appt - 3 year term)

A letter was received from Richard Littell expressing his interest to serve on the Moundsville Zoning Appeals Board.

Councilperson P. Haynes made a motion to appoint Mr. Littell to the Zoning Appeals Board, seconded by Councilperson Remke. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson P. Haynes reported lights still have not been replaced at Park View Playground.

* Councilperson Wood announced that he, Mayor Saunders and City Manager Hess spoke with 7th Grade Students at Moundsville Middle School hoping for participation of “If I Were Mayor”.

* Councilperson Wood announced October is Municipal Government Month. Mr. Wood is willing to work with students at Moundsville Middle School.

* Councilperson Wood reminded council members in June of 2007 the city donated \$174 to the Marshall County Chamber website; June of 2007 - \$180 to website; May of 2009 - \$180 to website; June 2009 - \$2500 was donated to Marshall County Chamber for the tourism director and again June 2010 \$4,000 for tourism director. He said the City of Moundsville Council is being criticized for donating \$6,000 to the future CVB being established by Joni Grubler, Craig White and Suzanne Park.

* Councilperson Remke was placed on the Moundsville Development Committee. He informed Mayor Saunders he knows of an individual interested in the Long John Silvers building but Manager Hess refused to provide him with the information. Manager Hess advised the building was not for sale and she was not providing him with private information.

* Councilperson Remke asked for an update on police officers accident and cruisers. Chief Mitchell advised officers were alright, they were responding to domestic situation. Accident is still under investigation.

MANAGER ITEMS:

Appointment to the Historic Landmark Commission (Manager’s Appt - 2 year term)

Manager Hess reported appointing Joseph Parriott to the vacancy of the Historic Landmark Commission.

Other Items to be Discussed by Manager.

* Manager Hess reported selling the police scales to Cameron Police Department in the amount of \$2500.00.

MAYOR ITEMS:

- * Mayor Saunders commented that it was unfortunate the city was not selected for Home Rule.
- * Mayor Saunders said, on behalf of council members, they do not agree with how the gate on Morton Avenue was installed. Unfortunately, it has now become a civil matter.
- * Mayor Saunders also said it is not council's intention to close the Sanford Center. Discussions will be scheduled at a later date.

COMMITTEE REPORTS:

Discussion of Recommendations by the Policy Committee.
Policy meeting is scheduled for Tuesday, October 14, 2014 at 5:00 p.m.

Discussion of Recommendations by the Finance Committee.
Finance meeting will follow the policy meeting.

Discussion of Recommendations by the Traffic Committee.
Traffic meeting will follow the policy meeting.

COUNCIL ITEMS:

- * **Simms** - Received complaint at 1015 Tomlinson Avenue of high grass and trash.
- * Thanked the Police Department for attending to the junk vehicles in town.
- * Gave Chief Mitchell drug paraphernalia reportedly found at Morton Avenue and Second Street.
- * **Wood** - Invited council members to ride in Christmas Parade.
- * **Remke** - Received complaint at 1013 Morton Avenue Health & Sanitation Violation.
- * **P. Haynes** - Nothing at this time.
- * **DeWitt** - Thanked the audience for coming to council meeting.
- * Disappointed the city was not chosen for Home Rule. Council will continue to work to remove dilapidated structures.

Councilperson DeWitt moved to go into an Executive Session for Real Estate matters, seconded by Councilperson Wood. Motion carried unanimously.

Regular session recessed at 8:20 p.m.
Executive session began at 8:27 p.m.
Councilperson Remke was not present at the Executive Session.
Executive session recessed at 9:00 p.m.
Regular session reconvened at 9:00 p.m.

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

Meeting adjourned at 9:01 p.m.

Sondra J. Hewitt, City Clerk

Eugene Saunders, Sr., Mayor