

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
SEPTEMBER 18, 2012**

The Council of the City of Moundsville met in regular session in the Council Chambers on September 18, 2012 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation was given by Mayor Dennis Wallace.

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 Richmond, Attorney Thomas White, CPA Kathryn Goddard and City Clerk Hewitt.

**MINUTES:**

**Regular Council Meeting of September 4, 2012.**

Councilperson Haynes moved to accept and approve the minutes of the regular council meeting of September 4, 2012, seconded by Councilperson DeWitt. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\* Theresa Hartley, 107 13<sup>th</sup> Street, informed council that their camping area is finished and wanted to start renovating for the bunkhouse. Building Inspector Schneider refused to give them a permit for the bunkhouse until FEMA inspected the building. FEMA inspected and refused to approve the building for the changes.

Mr. & Mrs. Hartley were advised by the WV Flood Inspector they could appeal this decision to Moundsville City Council who could over rule FEMA's decision. They are asking to appeal the decision by FEMA.

Councilperson Simms moved to receive and file the letter from Mr. & Mrs. Hartley, seconded by Councilperson Wood. Motion carried unanimously.

\* Theresa Lydick, 1015 Jefferson Avenue, expressed concern of the abandoned trailers at 1603, 1605 and 1611 Ruby Street. She advised that she owns rental property near the trailers in question which have been vacant for several years.

Fire Chief Clarke responded saying the city has, several times, tried to locate the owner of the property, which is Samuel Harris, whose lawyer stated the property has been placed in a trust. The city is still trying to determine the responsible party.

\* Walter Rhome, 1500 Water Street, again presented council with photos of surrounding property located near his property that is zoned R-M (Multi-Family Residential) but the owners are not following code and using their property for parking lots.

Mr. Rhome was advised by Mayor Wallace that City Manager Hess determined the surrounding property in question was zoned R-N (Neighborhood Retail), which allows for a parking lot. This property was re-zoned July 20, 1999. Mr. Rhome asked council if they would agree on a R-N zone for his property? Mayor Wallace stated that council will not vote on that matter at this council meeting, he will have to follow procedure of addressing the Moundsville Planning Commission.

Councilperson Simms made a motion to receive and file the photo's presented to council, seconded by Councilperson Wood. Motion carried unanimously.

### **OLD BUSINESS:**

#### **Discussion and Approval of an Ordinance Pertaining to Texting While Operating a Motor Vehicle 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 AMENDING THE CODE OF THE CITY OF MOUNDSVILLE BY ENACTING ARTICLE 357 OF SAID CODE TO ESTABLISH THE TRAFFIC OFFENSE OF OPERATING A MOTOR VEHICLE WHILE TEXTING OR USING A CELL PHONE OR OTHER ELECTRONIC COMMUNICATION DEVICE WITHOUT THE USE OF HANDS-FREE TECHNOLOGY. (SECOND READING)**

Councilperson Simms made a motion to approve the texting ordinance, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Remke, Haynes, DeWitt, Mayor Wallace, Wood and Saunders voting yea. 6 yeas, 1 nay. Simms voting nay. Motion carried.

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

\* Councilperson Wood asked if the problems with rental properties on Short Center Street have been addressed? Building Inspector Richmond reported sending letters.

\* Councilperson DeWitt asked when paving will begin? Manager Hess reported that Mark Klug will be providing a date, hopefully the second week in October.

\* Councilperson Saunders asked if the tree on 6<sup>th</sup> Street has been taken care of. Building Inspector Richmond advised the problem was taken care of.

\* Councilperson Saunders reported speaking with the Marshall County Assessor concerning owners of OH plated vehicles living in Moundsville. The Assessor said they have hired someone for the purpose of checking residents with OH plates.

\* Councilperson Saunders asked for an update of 307 Poplar Avenue. Building Inspector Richmond reported the property being tied up in trust.

\* Councilperson Remke asked for an update of 504 Washington Avenue. Building Inspector Richmond reported the house being treated but still having the infestation. City Manager Hess reported the owner has signed a contract for regular treatment.

\* Councilperson Haynes asked for an update of 34 Locust Avenue. Building Inspector Richmond reported the house was sold and new owners have cleaned up the property.

\* Councilperson Remke asked if City Manager Hess contacted the State Health Department. Manager Hess reported leaving a message with the State Health Department but they have not returned her call.

#### **NEW BUSINESS:**

#### **Discussion & Approval of a Resolution Authorizing the City Manager to Request a Project Amendment for a Governor's Community Partnership Grant to Include a Security System for the City Building.**

City Manager Hess explained the grant was originally for computer equipment for Municipal Court, since there was money left over she wants to purchase security equipment for the City Building. The original grant application needs to be modified to include the security system.

Councilperson Saunders made a motion to authorize the City Manager to amend the grant application, seconded by Councilperson DeWitt. Motion carried unanimously.

#### **Discussion & Approval of an Agreement for Credit Card Payments for Utility Bills.**

City Treasurer Karen Ankrom explained the city, in conjunction with the Water Board will be offering customers the opportunity to sign up for direct payment of their water, garbage, municipal fee and stormwater fee. Direct payment for other city fees are not available at this time.

Councilperson Simms made a motion to authorize the City Manager to proceed with Direct Payment, seconded by Councilperson Wood for discussion. Councilperson Remke would rather use e-government.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Haynes, DeWitt, Mayor Wallace, Wood, Simms and Saunders voting yea. Remke voting nay. 6 yeas, 1 nay. Motion carried.

**Discussion and Award of Police Cruiser Bid.**

Bids were received from Ohio Valley Ford, Moundsville in the amount of \$24,198.00 for a 2013 Ford Sedan Police Interceptor.

Councilperson Saunders moved to award the bid to Ohio Valley Ford, seconded by Councilperson Haynes for discussion. Councilperson Remke would rather have the Police Department purchase tasers for every officer.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. DeWitt, Mayor Wallace, Wood, Simms, Saunders and Haynes voting yea. Remke voting nay. 6 yeas, 1 nay. Motion carried.

**Discussion of Trick or Treat.**

Councilperson Saunders motioned to schedule Trick or Treat in Moundsville on Wednesday, October 31, 2012 from 6 p.m. to 7:30 p.m., seconded by Councilperson Wood. Motion carried unanimously.

**Review Survey Results for First Impressions Study for the Comprehensive Plan.**

Councilperson Wood reviewed the results of First Impressions Study with council. He also stressed the importance of council members and citizens being involved with the development of the Comprehensive Plan.

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

\* Councilperson DeWitt discussed an additional clothing allowance around Thanksgiving for employees. City Manager Hess advised that discussion will be held at the finance meeting.

\* Councilperson Wood announced that he, Councilperson Saunders, Remke, Attorney White and City Manager Hess met before the regular council meeting to discuss an ordinance pertaining to campers in the City of Moundsville. Further discussion will be held at the policy meeting on Tuesday.

**MANAGER ITEMS:**

\* Manager Hess responded to a concern of Councilperson Wood of public parking on Second Street, neighbors are complaining that renters are taking all the parking spaces. Manager Hess

noted that council can not control residential parking.

\* Manager Hess responded to a question Councilperson Remke asked about B&O Tax being paid on the Rt. 2 paving project. Manager Hess reported all B&O Taxes have been paid.

\* Manager Hess responded to Councilperson Remke's inquiry of how many vacant buildings are in Moundsville and how many are paying the vacant building fee. Manager Hess reported there are 105 vacant buildings, 43 registered vacant buildings, 45 vacant building notices pending, amount collect for vacant building fee is \$3,200.

\* Manager Hess announced the Annual Marshall County Chamber Dinner will be held Thursday, October 4, 2012. Social hour is 5:30 p.m., dinner is 6:30 p.m. Cost is \$30.00 at the Moundsville Center inside the former penitentiary. Council members wishing to attend must call Marilyn Kaufman in the front office.

\* Manager Hess announced Business After Hours, Thursday, September 20, 2012, at Perkins Restaurant from 5:00 p.m. to 7:00 p.m. Council members wishing to attend must call Marilyn.

\* Attorney White presented legal notices advertised in the Moundsville Daily Echo to be received and filed by council:

1. Sealed Bids for Police Cruiser
2. Sealed Bids for Street Sweeper
3. Sealed Bids for Paving
4. Bus Levy on General Election Ballot
5. Civil Action Suit for Ken McCloskey
6. Civil Action Suit for Thomas Lashare
7. Civil Action Suit for Lucinda Safreed
8. Variance for 1104 McConnell Drive
9. Variance for 10 N Highland Avenue
10. Variance for 1201 Lafayette Avenue
11. Variance for 2315 First Street
12. Zone Change for 903 Lockwood Avenue
13. Zone Change for 1001 12<sup>th</sup> Street

Councilperson Wood moved to receive and file the legal ads, seconded by Councilperson Mayor Wallace. Motion carried unanimously.

#### **MAYOR ITEMS:**

\* Mayor Wallace expressed concern that council members have been approaching department heads asking them to do things without the City Manager's knowledge. Department Heads take their orders from the City Manager not council members.

#### **COMMITTEE ITEMS:**

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

**Discussion of Funding for Community Design Team from WVU in Conjunction with the Comprehensive Plan Review. Committee recommends to Authorize \$1,000 to the Community Design Team.**

Councilperson Saunders moved to authorize payment of \$1,000 to the Community Design Team who is assisting with the city's Comprehensive Plan, seconded by Councilperson DeWitt. Motion carried unanimously.

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

Nothing at this time.

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

Nothing at this time.

**COUNCIL ITEMS:**

\* **Simms** - Asked fellow council members what the next step for Mr. & Mrs. Hartley would be concerning their property at 107 13<sup>th</sup> Street. Mayor Wallace invited them to the next Policy Committee meeting which will be held on October 9, 2012 starting at 5:00 p.m.

\* **Wood** - Reminded council members the WVU students will be in Moundsville on October 11, 12 & 13, 2012.

\* Apologized to City Manager Hess for asking a department head to look at trees for him.

\* **Remke** - Also apologized to City Manager Hess for asking the Street Department for help.

\* Asked if there are city regulations that limit how many families may reside in one home. Fire Chief Clarke noted that State Code and the National Fire Code prevent him from limiting the number of people in one home.

\* Invited council and citizens to the Fall Festival on Jefferson Avenue Saturday, September 22, 2012 from 10:00 a.m. to 5:00 p.m.

\* **Haynes** - Asked to discuss a problem at First Street & Jefferson Avenue when vehicles are turning left onto First Street from Jefferson Extension.

\* Reported an RV parking on Park Street between Fostoria Avenue & Locust Avenue.

\* Reported that residents of the Campgrounds wanted to thank City Manager Hess and Police

Chief Mitchell for taking care of the complaints of 4 wheelers in the area.

\* **Saunders** - Wished to thank the Street Department for replacing the curb on Virginia Street.

\* Reported residents storing vehicles on their property. Attorney White noted that vehicles must be legal when they are parked outside no matter if they are in yard or on street. Councilperson Saunders will obtain addresses.

\* Asked for more patrol at Poplar Avenue & Jackson Street. Vehicles not stopping at intersection.

\* **DeWitt** - Asked if the porta johns located behind the former Auto Choice is the same owner as the ones behind the VFD? Mayor Wallace reported they are different owners and the City Manager is addressing the subject of business license and storing them outside the business.

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

Meeting adjourned at 8:23 p.m.

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Sondra J. Hewitt, City Clerk

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Dennis Wallace, Mayor