

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
SEPTEMBER 4, 2012**

The Council of the City of Moundsville met in regular session in the Council Chambers on September 4m 2012 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation was given 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, Asst. Fire Chief Walker, Street Commissioner Richmond, Building Inspectors Schneider and Richmond, Attorney Thomas White, CPA Kathryn Goddard and City Clerk Hewitt. Absent: Fire Chief Clarke (ill).

MINUTES:

Regular Council Meeting of August 21, 2012.

Councilperson Wood made correction on page 4, line 12, should read, "September 7 not September 30". Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of August 21, 2012, as amended, seconded by Councilperson Simms. Motion carried unanimously.

GENERAL PUBLIC HEARING:

Presentation of Award by Councilperson Phil Remke to the City Manager and Employees.

Councilperson Remke presented City Manager Hess, Police Chief Mitchell, Asst. Fire Chief Walker and Street Commissioner Richmond with appreciation plaques for their assistance and hard work during the Wall of Freedom event.

Rich Wilson & Brad Varlas, Moundsville Volunteer Fire Department - Discuss VFD Property Usage.

Rich Wilson provided council with information concerning the Moundsville Volunteer Fire Department's property and assured council the uses of storing campers and port-a-johns are appropriate with the city code.

* Carol Logston, 1100 Fifth Street, spoke to council concerning the house at 504 Washington Avenue that is being treated for roaches. Mrs. Logston asked for the property to be treated more frequent than 21 days due to roaches moving to neighboring houses. She also reported the dumpster setting in front of the house but owner is not working to removed items from the house.

* Lester Tasker, 1407 Tenth Street, asked for more patrol around the city.

* Jodi Atwell, 1103 Fifth Street, expressed her concerns that property owners of 504 Washington Avenue are making no attempt to clean up the area. And noted having previously worked for an extermination company spraying 504 Washington Avenue could be done more frequent than every 21 days. Mrs. Atwell also commented on a letter she received from the Building Inspector citing that she was the owner of an unsafe structure behind her house and needed to have the building removed. Mrs. Atwell did have the building removed but feels the structure was not unsafe.

* Dennis Minor, Lockwood Enterprises located on Pearl Street, was present in hopes that council will pass the request for a zone change at 1415 Pearl Street for second reading.

* Tyler Poliquin, Family Resource Network, introduced himself to council and noted that he will be helping WVU Students and City Council on the new Comprehensive Plan.

* Dennis Yoho, 1104½ Fifth Street, requested a handicapped parking space in front of his residence and asked for prices of dumpsters.

Mr. Yoho was advised that he will have to fill out a form for the handicap parking space in the City Clerk's Office and he could also obtain prices for dumpsters.

* Walter Rhome, owner of property at 1500 Water Street, asked what council plans to do about neighboring property owners that are allowing large trucks, trailers and construction materials to be stored in an area that is not zoned for storage?

Mayor Wallace assured Mr. Rhome that Council and the City Manager will look into his concerns.

OLD BUSINESS:

Discussion and Approval of a Zone Change Ordinance for 1425 Pearl Street from Mobile Home Park (M-P) to Special Event District (S-E). (Second Reading)

Attorney White read the following zone change 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, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA ON PEARL STREET IN THE CITY OF MOUNDSVILLE FROM A MOBILE HOME PARK DISTRICT TO A SPECIAL EVENT ZONE. (SECOND READING)

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

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

Other Items to be Discussed by Council.

* Councilperson Saunders expressed concern that the roach problem may have already started an epidemic.

Councilperson DeWitt feels the problem started on Eighth Street when the property owner, knowing the house was infested with roaches, moved items to a garage on Sixth Street and to various houses throughout the city.

Mayor Wallace commented on the fact of this matter being a health issue and the Marshall County Health Department not getting involved creates a problem for the city.

Councilperson Remke suggested contacting the State of West Virginia Health Department to ask for their assistance before the whole city is infested.

* Councilperson Saunders asked if the matters brought to councils attention by Mr. Bougher and other residents of Short Center Street are being addressed? Building Inspector Richmond advised that he has verified the owners of the property and in the process of sending letters.

* Councilperson Saunders asked for an update on the wood and items left behind 1104 Sixth Street? Building Inspector Richmond reported that letters he sent were returned with no forwarding address. Attorney White advised the next step would be to advertise the notice for 60 days which will give the city the authority to arrest the owners.

* Councilperson DeWitt asked when paving will start in Moundville? Manager Hess has not been advised by Klug's as to when they will start.

* Councilperson DeWitt asked Manager Hess to make sure that Panther Painting, who will be leaving in two weeks, cleans the parking lot they have used while painting the bridge. And asked that the holes in the parking lot be repaired. Manager Hess noted it was her understanding the state would make sure the area is cleaned up and holes in parking lot repaired.

* Councilperson Wood suggested discussing the rental property ordinance at the next policy meeting. Manager Hess has placed that item on the agenda.

* Councilperson Wood asked for an update on the proposed hotel. Building Inspector Schneider reported the project is moving along. They have installed the last of the cast pylon next step will be the concrete beams and foundation.

* Councilperson Wood asked for Tom Brown to attend a committee meeting to update council. Manager Hess advised that Mr. Brown will be meeting with council after he meets with her.

* Councilperson Haynes reported the fence is missing on the Fostoria Avenue side of the property.

* Councilperson Saunders applauded Councilperson Remke on the Wall of Freedom project. And asked who will be paying for the overtime of police officers, firefighters and street department who worked during this event? Mayor Wallace said it was his understanding that the Activities Committee would pay for the overtime. Councilperson Remke said that no decision was ever made on the overtime cost. Manager Hess advised the Activities Committee will be paying for the street cleaning.

* Councilperson Saunders reported the roof falling in on the house at 307 Poplar Avenue. Building Inspector Richmond advised that he sent a letter to the owner, but letter was returned. Power of Attorney is through Wesbanco.

NEW BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Texting While Operating a Motor Vehicle in the City of Moundsville. (First Reading)

Attorney White read the following ordinance by title only to be passed by council on first 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. (FIRST READING)

Councilperson Saunders made a motion to accept an approve the texting ordinance, seconded by Councilperson Wood.

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

Discussion and Approval of Bids Received for Sanitation Dumpsters.

Bids were received by Valley Can Inc., Hadley, PA for Sanitation dumpsters for the following sizes and quantity: 6-1 yard; 12-2 yard; 14-3 yard; 10-4 yard; 6-6 yard; and 8-8 yard in the

amount of \$35,000.

Councilperson Remke made a motion to accept the bid for \$35,000 for 56 sanitation dumpsters, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a Contract with the Governor's Community Partnership for a Grant Award for Four Seasons Pool. (Four Seasons Pool Repairs \$10,000)

Councilperson Simms made a motion to approve the resolution to authorize the City Manager to enter into a contract with the Governors Community Partnership for a grant award of \$10,000 for Four Seasons Pool repairs, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion and Approval to Advertise for the Purchase of a 2013 Ford Sedan Police Interceptor.

Chief Mitchell explained that \$20,000 will be received from a grant and the remaining \$4,392 will come from seized drug money.

Councilperson Simms made a motion to approve the Police Department to advertise for the purchase of a 2013 Ford Sedan Police Interceptor, seconded by Councilperson Haynes.

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

Other Items to be Discussed by Council.

* Councilperson Remke asked for a list of the property owners who paid the vacant building fee. Manager Hess advised that she can not release that information. Attorney White will research whether or not that information can be released to council.

* Councilperson Wood announced that 15 students and 15 faculty members from WVU will arrive in Moundsville on Friday between 10:00 & 10:30 a.m. They will then tour Moundsville to obtain information for the Comprehensive Plan. Lunch will be at the FRN and at the Mexican Restaurant. Touring of Moundsville will continue after lunch.

MANAGER ITEMS:

* Manager Hess announced a ribbon cutting will be held at the Marshall County Federal Credit Union building, 910 Third Street at 8:30 a.m.

MAYOR ITEMS:

* Mayor Wallace wished to thank everyone involved with the Wall of Freedom.

COMMITTEE ITEMS:

Discussion of Recommendations by the Finance Committee.

Councilperson Saunders scheduled a finance meeting at 5:00 p.m. on Tuesday, September 11, 2012.

Discussion of Recommendations by the Traffic Committee.

Councilperson Simms scheduled a traffic meeting following the finance meeting.

Discussion of Recommendations by the Policy Committee.

Councilperson Wood scheduled a policy meeting following the traffic meeting.

COUNCIL ITEMS:

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

* **Saunders** - Asked to discuss rental property issues at the policy meeting.

* **DeWitt** - Nothing at this time.

* **Remke** - Looking at the Building Tracking Report, the City of Moundsville has 103 vacant houses in the City of Moundsville.

* **Wood** - Nothing at this time.

* **Simms** - Commended the Building Inspectors for the work they do and the reports they provide to council.

Councilperson Simms made a motion to have an executive session to discuss litigation matters, seconded by Councilperson Saunders. Motion carried unanimously.

Meeting recessed at 8:27 p.m.

Meeting reconvened at 8:30 p.m.

Executive Session began at 8:30 p.m.

Executive Session recessed at 8:46 p.m.

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

Meeting adjourned at 8:47 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor