

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
AUGUST 16, 2011**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on August 16, 2011 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: Acting City Manager Deanna J Hess, Police Officer McCallen, Fire Chief Clarke, Street Foreman Stocklask, Building Inspector Mercer, CPA Kathryn Goddard, City Attorney Thomas White and City Clerk Hewitt. Absent: City Manager Hendershot, Police Chief Mitchell, Street Commissioner Richmond.

MINUTES:

Regular Council Meeting of August 1, 2011.

Councilperson Saunders made a motion to accept and approve the minutes of the regular council meeting of August 1, 2011, seconded by Councilperson Haynes. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Janet Goode, 1900 Second Street, a Recreation Employee, expressed to council that she feels Interim Parks & Recreation Director Marc Baker is a qualified candidate for the position of Parks & Recreation Director.

* John Vitiello, 318 Olive Avenue, a Recreation Employee, also feels that Marc Baker should be hired as the Parks & Recreation Director.

* Richard Rickrode, 120 Morton Avenue, reported yards and porches needing cleaned up and junk cars need removed in Moundsville. Mayor Wallace asked Mr. Rickrode for some addresses of those properties.

* Harold Games, GAB, informed council that they have hired Stegman & Schellhase to determine the meets & bounds, grid work needs done, and finally testing all the areas the DEP requires them to test. Mr. Games presented Attorney White with property descriptions & parcels for the deeds on the Fostoria Property.

Attorney White informed Mr. Games that an Executive Session will follow after the regular council meeting concerning contractual matters.

Mr. Games also commented on the possibility of a 40 unit motel building in the area between Teletech and Pepsi, behind the dentist's office.

OLD BUSINESS:

Discussion and Approval of an Ordinance Amending Article 953 of the City Code Concerning Garbage. (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 SECTION 953.07 BY ADDING A SUBSECTION THERETO, BEING 953.07(B)(1)(E) PROHIBITING GARBAGE AND GARBAGE CANS BEING PLACED IN VIEW OF THE STREET EXCEPT FOR THE DAY OF GARBAGE PICKUP AND THE DAY BEFORE (SECOND READING)

Councilperson Wood made a motion to accept and approve the amendment to the garbage ordinance, seconded by Councilperson Saunders.

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

Other Items to be Discussed by Council.

* Councilperson Saunders, after riding around town with Councilperson Remke, suggested that council go back though the ordinance pertaining to registering the abandoned houses in Moundsville and shorten the process. Attorney White noted that the process is as short of time span as it can be.

Councilperson DeWitt suggested appointing an ordinance enforcement officer to work on only those abandoned and vacant houses. After further discussion, this matter was sent to be discussed at the Policy Committee.

* Councilperson Saunders requested an officer at Poplar Avenue & Jackson Street intersection, reports of vehicles rolling through stop sign.

* Councilperson DeWitt asked if employees aren't receiving their clothing allowance until September, why has the Sanitary Department received theirs. Councilperson DeWitt was advised that the Sanitary Board has released their departments clothing allowance, they and the Water Department are not under the city's budget, they are their own entity.

* Councilperson Remke asked when Sara McDowell was going to be meeting with the front office. Acting City Manager Hess is waiting for Ms. McDowell to return her call.

* Councilperson Wood asked Attorney White to explain to fellow council members and to the citizens of Moundsville as to why council members can not tell employees and residents of Moundsville what to do?

Attorney White stated that council members have absolutely no enforcement authority what so ever. Council people are the legislature, the branch that makes the laws that run the city; the administration enforces the laws; and the municipal court is the judicial branch. It is up to the administration/law enforcement officers/code enforcement officers to enforce those laws & codes. Therefore, council members are not authorized, empowered or even permitted to enforce the city's ordinances.

NEW BUSINESS:

Discussion and Approval of a Zone Change Ordinance for Property Located at the Corner of Thompson Avenue & 10th Street. (First Street)

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, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA ADJACENT TO THE CORNER OF 10TH STREET AND THOMPSON AVENUE IN THE CITY OF MOUNDSVILLE FROM A MULTI-FAMILY RESIDENTIAL ZONE TO A COMBINED CENTRAL BUSINESS AND HIGHWAY COMMERCIAL AND INTEGRATED COMMERCIAL CENTERS ZONE. (FIRST READING)

Councilperson Wood made a motion to approve the ordinance to change the corner of 10th Street and Thompson Avenue from an R-M to a C-C-C-H, seconded by Councilperson DeWitt. Councilperson Saunders asked what the purpose of changing this zone was. He was advised for the purpose of expanding the Marshall County Co-op business.

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

Re-Appointment to the Fire Civil Service Commission. (Mayor's Appointment)

David Oiler submitted a letter asking for re-appointment to the Moundsville Fire Civil Service Commission. Mayor Wallace re-appointed David Oiler to the Fire Civil Service Commission.

Appointment to the Moundsville Zoning Appeals Board. (Council's Appointment)

A letter of intent was submitted by Charles Rush for the two consecutive term vacancy of Wayne McCardle on the Moundsville Zoning Appeals Board.

Councilperson Saunders made a motion to appoint Charles Rush to the Zoning Appeals Board, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of Bids for Street Paving.

Paving bids were received from Klug Brothers for the following streets: Grant Avenue from Seventh Street to Eighth Street - \$21,309.60; Grant Avenue from Eighth Street to Ninth Street - \$20,694.90; Center Street from Poplar Avenue to Pine Avenue - \$20,467.15; Simpson Avenue from Forest Street Primrose Street - \$34,612.00; Fifth Street from Grant Avenue to Parriott Avenue - \$33,709.50; Fifth Street from Parriott Avenue to Cedar Avenue - \$107,909.50. Total amount of bid \$238,702.65.

Councilperson Saunders made a motion accept the total bid package from Klug Brothers in the amount of \$238,702.65, seconded by Councilperson Haynes.

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.

Other Items to be Discussed by Council.

* Councilperson Remke reported the sound system will be installed on Jefferson Avenue on Wednesday.

* Councilperson Remke announced that Jefferson Avenue business district is in the new released movie called "Dough-Boy" that was filmed in Wheeling and surrounding areas.

* Councilperson Wood asked since there has been personnel changes with the Sanford Center that council invite the person in charge to a meeting to go over their finances. Seeing that only four or five rentals have reserved the facility it makes him wonder how are they making ends meet and can they continue to make it.

* Councilperson DeWitt asked that council talk to DOH to request flashing signs on Rt 250 showing steep hill & curves since the fatality last week. Out of state truckers do not realize the steep grade and curves on Rt. 250. Councilperson Wood suggested the city meet with the Sheriff Department and State Police to talk about this situation and possibly educate the truckers about Rt. 250.

* Councilperson Remke asked when the Police Department is going to start using the scales.

PFC McCallen reported that Chief Mitchell is working on a schedule for off duty officers to operate the scales.

MANAGER ITEMS:

* Acting City Manager Hess announced that a 9-11 Memorial Service will be at the Riverfront Park on September 11, 2011 at 6:00 p.m. with Gospel Singing at 3:00 p.m.

* The Marshall County Chamber of Commerce is sponsoring Business After Hours at Grand Vue Park's Banquet facility on August 25, 2011 from 5 to 7 p.m. Hosted by Peggy's Posies & the Marshall County Commission.

* Acting City Manager Hess read a letter from Moundsville Water Board Superintendent to Moundsville City Council that follows: Due to the Source Water Assessment and Protection program, issued by the Bureau for Public Health, we do not feel that this would be a viable location for any campground due to the Wellhead Protection Plan put into place by the Bureau of Public Health and the West Virginia Rural Water Association. Please fee free to review the enclosed Source Water Assessment Public Summary provided. If council should have any questions or comments, please contact Mr. Dove at any time.

Certificates of Publication.

Attorney White submitted legal advertisements published in the Moundsville Daily Echo to be received and filed by council:

1. Ordinance for Zone Change at 1107 12th Street
2. Ordinance for Zone Change at 10& 12 Mulberry Avenue & 16 Arlington Avenue
3. Paving Bids
4. Ordinance Pertaining to Garbage Cans

Councilperson Simms made a motion to receive and file legal advertisements published in the Moundsville Daily Echo, seconded by Councilperson Wood. Motion carried unanimously.

MAYOR ITEMS:

* Mayor Wallace wished to thank all they employees for the jobs they do and hopes the city keeps moving forward.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Discussion of House Decorating Contest for Halloween. Committee recommends bring to

full council.

Councilperson Saunders made a motion to sponsor house decorating contest in Moundsville for Halloween, seconded by Councilperson Wood. Motion carried unanimously.

2. Discussion of Decorating Jefferson Avenue for Halloween. Committee recommends bring to full council.

Councilperson Saunders made a motion to place Halloween lights on Jefferson Avenue for Halloween, seconded by Councilperson DeWitt. Motion carried unanimously.

3. Discussion of Equipment Purchases for Police Department, i.e. Laser Gun, Two Laptop Computers, Police Cruisers. Committee recommends bring to full council.

Councilperson Saunders made a motion to authorize the purchase of a laser gun and two laptop computers to be reimbursed by the Highway Safety Equipment Program and the purchase of one police cruiser to continue from loan paid off from last cruiser, seconded by Councilperson Haynes. Motion carried unanimously.

4. Discussion of Addition of a Sergeant Position in the Police Department. Committee recommends bring to full council.

Councilperson Saunders made a motion to authorize the Police Chief request a fourth position for Sergeant already within the force, seconded by Councilperson DeWitt. Motion carried unanimously.

5. Discussion of Off Duty Officer Being paid to Utilize Truck Scales. Committee recommends bring to full council.

Councilperson Saunders made a motion to authorize two off duty officers to utilize the city's truck scales 2-3 days per week for a 2 month trial period, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion of Creating a Link from Twelfth Street to Short Poplar Avenue. Committee recommends City Manager to proceed with research to determine property owners involved & cost to develop this.

2. Discussion of Stop Sign at Forest Avenue & Simpson Avenue. Committee recommends to install the sign.

Councilperson Simms made a motion to install stop sign at the intersection of Forest Avenue & Simpson Avenue, seconded by Councilperson Saunders. Motion carried unanimously.

3. Discussion of Closing Jefferson Avenue for the Zombie Walk September 24, 2011 between 10:00 a.m. and 4:00 p.m. Committee recommends bring to full council.

Councilperson Remke noted that the Fall Festival of Thrills will be held on Jefferson Avenue from 10:00 to 4:00 p.m. and the Zombie Walk will be on Jefferson Avenue from 6:00 to 10:00 p.m.

Councilperson Simms made a motion to block Jefferson Avenue for the Fall Festival of Thrills and Zombie Walk on September 24, 2011, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of Utilizing Moundsville Police Department as Collection Point for Unused Prescription Medications. Committee recommends bring to full council.

Councilperson Wood made a motion to utilize Moundsville Police Department for a collection point for unused prescription medications, seconded by Councilperson Saunders. Motion carried unanimously.

2. Discussion of Request from Police Chief to Provide Fingerprinting Services for Moundsville Citizens. Refer to Council.

Councilperson Wood made a motion to provide fingerprinting services for Moundsville citizens, seconded by Councilperson DeWitt. Motion carried unanimously.

3. Discussion of Procedures for Hiring a City Manager. Committee recommends bring to full council.

Councilperson Wood presented council members with a list of items that he drafted with the assistance of Jim Hunt, Councilperson of Clarksburg, and Member of the WV Municipal League and National League of Cities.

* Mayor Wallace announced that before Council Items he wants to recognize David Bledsoe who is sitting in the audience.

David Bledsoe owner of 1007 Thompson Avenue who recently requested a zone change of that property from an Industrial Zone (I) to a Combined Central Business & Highway Commercial District (C-C-C-H) for the purpose to allow the installation of 10 campsites with sewer, water and electric hookups for residential/renting purposes. Mr. Bledsoe said that his request was turned down by the Planning Commission by a 5-2 vote against the proposed zone change. Mr. Bledsoe believes the reason for the request being denied was that residents have complained of

the campers being near a walking trail. He now wants to know what his next step is to pursue this zone change.

Mayor Wallace noted and council members agreed that they will not go against the recommendation of the Planning Commission. Attorney White will research the process.

* Councilperson Saunders asked council to recognize City Clerk Hewitt who received an award as outgoing President of the WV Clerks & Records Association, WV Municipal League.

COUNCIL ITEMS:

* **Remke** - Commented on the Police Report from July 1st to August 2nd looks like Moundsville had an outbreak of crime. PFC McCallen stated they have been very busy with calls.

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

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

* **Haynes** - Commended Sanitary Board Superintendent Larry Bonar for his quick response when an employee was injured at the Sewer Project on Locust Avenue.

* **Saunders** - Received several complaints of out of state plates on vehicles at many Moundsville residences.

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

Councilperson DeWitt made a motion to go into executive session for contractual reasons, seconded by Councilperson Saunders. Motion carried unanimously.

Meeting recessed at 8:40 p.m.

Executive session began at 8:45 p.m.

Executive session recessed at 9:15 p.m.

Regular session reconvened at 9:16 p.m.

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

Meeting adjourned at 9:17 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor