

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF**  
2 **MOUNDSVILLE, MARCH 2, 2021**

3  
4 The Council of the City of Moundsville met in Regular Session in the Council  
5 Chambers on March 2, 2021 at 7:00 p.m.

6  
7 Meeting was called to order by Mayor David Wood.

8  
9 Invocation by Vice Mayor Judy Hunt.

10  
11 City Clerk Hewitt called the roll and the following Councilpersons were in  
12 attendance: Chamberlain, DeWitt, Vice Mayor Hunt, Saunders, Wallace, S. Wood  
13 and Mayor David Wood. Also present were City Manager Healy, City Clerk  
14 Hewitt, Finance Director Ankrom, Police Chief Mitchell, Secretary Scarbin,  
15 Building Inspector Richmond and Attorney Thomas White.

16  
17 **MINUTES:**

18  
19 **Regular Council Meeting of February 16, 2021.**

20 Councilman Saunders moved to approve the minutes of the regular council  
21 meeting of February 16, 2021, seconded by Councilman Chamberlain. Motion  
22 carried unanimously.

23  
24 **Special Council Meeting of February 23, 2021.**

25 Councilwoman S. Wood moved to approve the minutes of the special council  
26 meeting of February 23, 2021, seconded by Councilman Saunders. Motion carried  
27 unanimously.

28  
29 **GENERAL PUBLIC HEARING:**

30  
31 Jayetee Herron and Aimee Tickerhoof of Kozicki Hughes and Tickerhoof  
32 presented the Compilation Report to Council.

33  
34 **CITY MANAGER ITEMS:**

35  
36 City Manager Healy provided the following report to council:

37 1. I usually start with an update on the Municipal Building, but tonight I will start  
38 with welcoming everyone back to the Council Chambers for our first in-person  
39 meeting for some time. I would like to congratulate all of us for making it through  
40 the virtual meetings. Short of a few gaffes, I think we all did well. As we try to

1 remain social distanced, the Department Heads will only be present if there is an  
2 issue on the agenda that affects their department. Tonight, Building Inspector  
3 Richmond is present due to zoning items on the agenda. This is a welcome step  
4 toward normalcy. Along those same lines, since we have met regularly, many new  
5 employees have been hired. Starting with the next Council Meeting, I will be  
6 bringing them in a couple at a time and introducing them to Council.

7 2. We opened the building to the public yesterday and have had no problems so  
8 far. All visitors have complied with the mask mandate. With the re-opening, other  
9 Boards and Commission will resume meeting in person, also, as they choose.

10 3. Update on the new Municipal Building – During a conference call last week  
11 with the architect, financing team, and bond counsel, a tentative schedule was  
12 developed for the presentations to Council and the scheduling of the ordinance  
13 readings for the bond. A special Finance Sub-Committee Meeting will be held on  
14 Tuesday, March 30<sup>th</sup> to hear a presentation from the Mr. Steptoe from Crews &  
15 Associates. Pending the recommendation from the Sub-Committee, a tentative  
16 schedule would include first and second readings at the April Council meetings,  
17 and third reading, along with public hearing at the first meeting in May. The  
18 budget remains at approximately \$8 million, with soft costs being approximately  
19 \$600,000 (some of which have already been paid). The Geotech contractor has  
20 marked the spots on the parking lot where the test bores will be completed. That  
21 process is scheduled for next week, barring any bad weather.

22 4. The snow and subsequent rain had stopped the progress at the former Wilson  
23 property for two weeks, but that was restarted today. The contractor worked today  
24 to remove the wet soil and remaining concrete and bricks from the basement floor.  
25 The Geotech Engineer will be on-site tomorrow to monitor the back fill. That  
26 process should be completed by Thursday. The lot on the opposite side of  
27 Jefferson Avenue is completed.

28 5. After readvertising for the Recycling Coordinator position, I completed one  
29 interview and made an offer, which was ultimately declined. I have another  
30 prospective candidate that I hope to interview this week. Regardless, I still have  
31 hope that we can begin this program sometime in March. I am looking at current  
32 part-time employees to assist with this until we have a coordinator in place.

33 6. Fire Chief Gary Brandon reported to me this morning that the Ohio River was  
34 set to crest this evening at 6:00 PM, at 34.4 feet. That should not impact the City  
35 very much, although the boat ramp and turnaround is closed. Water Street may be  
36 affected, and ne forced to be closed, as well. Please avoid these areas.

37 7. I spoke with Jack Tush today. He has the street paving list and will begin to  
38 design ASAP, so that we can bid the 2021 paving package can be put out to bid  
39 timely.

40 8. Discussion about the Sanford Center is on the Sub-Committee Meeting agenda

1 next week, and representatives of the Board will be in attendance.  
2 9. The Splash Pad components are ordered, and the engineers are expecting to  
3 have the documents ready to go to bid within the next two weeks. They have been  
4 at the pool and working on logistics with Director White.  
5 10. Also, at Four Seasons, the bathroom renovation project begins next Monday.  
6 The pool staff has been hard at work transforming areas into changing rooms for  
7 patrons. Director White has been informing patrons of this change for the last few  
8 weeks.  
9 11. This past Saturday, I, along with Councilmen Saunders and Wallace attended  
10 the Ribbon Cutting and Grand Opening of another new Moundsville business.  
11 Mounds of Nutrition, located at 305 on Jefferson Avenue, specializes in healthy,  
12 protein packed, nutrient shakes and energizing teas! I personally have tried three  
13 different teas so far and enjoyed them all. Good luck to Mounds of Nutrition.  
14 12. DataMax update on the Business License and B&O Tax collections. For  
15 February 2021, the collections were February totals \$10,483.36 with a net to the  
16 city of \$5,241.68. Cumulatively, we have received a net of \$175,846.10 from this  
17 program. A reminder that this goes into the Capital Improvement Account, which  
18 currently has approximately \$1.4 million in it.  
19 13. The American Rescue Plan that just recently passed the U.S. House of  
20 Representatives is now in the Senate. Should the bill stay intact this could be the  
21 first time that communities of all sizes receive direct fiscal relief. Should the plan  
22 pass the Senate as it did the house, Moundsville would receive a direct payment.  
23 As it is currently written, these are the ways the money can be utilized: respond to  
24 or mitigate the public health emergency with respect to COVID-19 or its negative  
25 economic impacts; cover costs incurred as a result of such emergency; replace  
26 revenue that was lost, delayed or decreased (as determined by the city based on  
27 revenue projections as of January 27, 2020) as a result of such emergency; or  
28 address the negative economic impacts of such emergency.  
29 14. I think Mayor Wood may address some of this in his report, but I would urge  
30 Council to keep a close eye on the bills that are currently in the West Virginia  
31 Legislature. There are multiple bills introduced that will have an impact on cities  
32 and municipalities. Please stay familiar of these bills.

33  
34 Questions by Council to the City Manager.  
35 \* Vice Mayor Hunt asked when the application will be developed for the qualified  
36 residents to apply for assistance? City Manager Healy introduced Belomar  
37 representative Natalie Hamilton to answer questions. Ms. Hamilton explained  
38 once the paperwork is signed she will send them to the WV Development Office  
39 for approval. Upon approval, residents will be able to apply for the program.  
40 \* Vice Mayor Hunt asked if Manager Healy was familiar with the proposed bill

1 being discussed concerning B&O Tax and car dealerships. Manager Healy said we  
2 are hoping to obtain more information on those proposed bills from the WV  
3 Municipal League.

4 \* Mayor D. Wood asked what time the meeting was scheduled on March 30? He  
5 reported 5:00 p.m.

6  
7 **NEW BUSINESS:**

8  
9 **Discussion and Approval of an Ordinance to Provide for a Restricted Use**  
10 **Area of the Purpose of Prohibiting the Drilling into and the Extraction of**  
11 **Groundwater within said Restricted Use Area (Four Parcels in Addition to**  
12 **Fostoria Avenue, Near Smith Mart, 1306 First Street). (Second and Final**  
13 **Reading)**

14 Attorney White read the following ordinance by title only to be passed by council  
15 second and final reading:

16  
17 AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE,  
18 WEST VIRGINIA, CREATING AND ENACTING SECTION 1381.21(c) OF THE  
19 MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR A  
20 RESTRICTED USE AREA IN THE CITY OF MOUNDSVILLE FOR THE  
21 PURPOSE OF PROHIBITING THE DRILLING INTO AND THE EXTRACTION  
22 OF GROUNDWATER WITHIN SAID RESTRICTED USE AREA. (SECOND  
23 AND FINAL READING)

24  
25 Councilwoman DeWitt moved to approve the above ordinance on second and final  
26 reading, seconded by Councilman Chamberlain. Mayor D. Wood called for a voice  
27 vote. City Clerk Hewitt announced the following tally. 7 yeas. Motion carried  
28 unanimously.

29  
30 **Discussion and Approval of a Zone Change at 1601 Third Street R-1 Residential**  
31 **Single Family to M Mixed. (Second and Final Reading)**

32 Attorney White read the following ordinance by title only to be passed by council  
33 second and final reading:

34  
35 AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA,  
36 PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA AT THIRD  
37 STREET AND CEDAR AVENUE IN THE CITY OF MOUNDSVILLE FROM A  
38 RESIDENTIAL SINGLE- FAMILY ZONE TO A MIXED-USE ZONE. (SECOND  
39 AND FINAL READING)

1 Councilwoman DeWitt moved to approve the above ordinance, seconded by Vice  
2 Mayor Hunt. Mayor D. Wood called for a voice vote. City Clerk Hewitt announced  
3 the following tally. 7 yeas. Motion carried unanimously.  
4

5 **Discussion and Approval of Amending Zoning Code to provide for Tattoo**  
6 **Parlors / Body Piercing Studios as Conditional Uses in Mixed-Use Zones.**  
7 **(Second and Final Reading)**

8 Attorney White read the following ordinance by title only to be passed by council  
9 second and final reading:  
10

11 AN ORDINANCE OF THE CITY OF MOUNDSVILLE AMENDING THE  
12 ZONING CODE TO PROVIDE FOR TATTOO PARLORS / BODY PIERCING  
13 STUDIOS AS CONDITIONAL USES IN MIXED-USE ZONES. (SECOND AND  
14 FINAL READING)  
15

16 Councilman Saunders moved to approve the above ordinance, seconded by  
17 Councilwoman DeWitt. Mayor D. Wood called for a voice vote. City Clerk Hewitt  
18 announced the follow tally. 7 yeas. Motion carried unanimously.  
19

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

21 \* Councilwoman S. Wood asked if discussion of the Cares Act funding was on the  
22 finance sub-committee agenda? Manager Healy said it was.

23 \* Councilwoman DeWitt reported large holes in the street on Highland Avenue by  
24 Reservoir Road. City Manager will pass that on to the Street Department as they  
25 were patching that area today.

26 \* Councilman Saunders asked how long the trailer was permitted to set on Highland  
27 Avenue? Chief Mitchell said the owner was out of time and officers will start the  
28 process.

29 \* Vice Mayor Hunt asked if council will review the 1% Municipal Sales & Use Tax  
30 at the finance meeting? Manager Healy replied yes.  
31

32 **NEW BUSINESS:**  
33

34 **Discussion and Approval of an Ordinance Forming an Audit Committee that**  
35 **Consists of the City Manager, the Finance Director, City Clerk and the**  
36 **Finance Committee Chairperson as Members. (First Reading)**

37 Attorney White read the following ordinance by title only to be passed by council  
38 on first reading:  
39

40 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE,**

1 **WEST VIRGINIA CREATING A COMMITTEE TO PROCURE**  
2 **AUDITORS OF CITY FINANCES AS REQUIRED BY THE WEST**  
3 **VIRGINIA STATE AUDITOR. (FIRST READING)**  
4

5 Councilwoman DeWitt moved to approve the above ordinance, seconded by Vice  
6 Mayor Hunt. Mayor D. Wood called for a voice vote. City Clerk Hewitt  
7 announced the following tally. 7 yeas. Motion carried unanimously.  
8

9 **Discussion and Approval of a Grant Agreement Between the City Of**  
10 **Moundsville and the West Virginia Development Office for a Community**  
11 **Development Block Grant Emergency Payment Grant.**

12 Councilman Saunders moved to approve the agreement, seconded by Vice Mayor  
13 Hunt. Motion carried unanimously.  
14

15 **Discussion of Salary for Substitute Municipal Court Judge.**

16 Mayor D. Wood moved to have an executive session for personnel matters, seconded  
17 by Councilman Saunders. Motion carried unanimously.  
18

19 **Appointment to the Moundsville Economic Development Council.**

20 Mayor D. Wood moved to nominate Councilwoman Sara Wood as council's  
21 appointment to the MEDC (Moundsville Economic Development Council),  
22 seconded by Councilman Saunders. Motion carried unanimously.  
23

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

25 \* Councilwoman DeWitt asked concerning paving for council to consider extending  
26 paving on Forest Street to Campground Road. She said there is a small section that  
27 needs paved.

28 \* Councilwoman DeWitt suggested paving a small portion of Thompson Avenue  
29 between 13<sup>th</sup> & 14<sup>th</sup> Streets along the railroad tracks. She noted sometimes the  
30 paving companies have some extra asphalt left over.

31 \* Vice Mayor D. Wood said he needed some clarification on whether or not the road  
32 at South Park Trailer Court needs paved or if it is a city street. Manager Healy said  
33 he asked the City Attorney as well as the City Engineer who advised the street it is  
34 maintained by the city. Mr. Tush will provide maps to the City Manager.

35 \* Councilman Saunders asked if anything was being done with the drainage on  
36 Spruce Street. Manager Healy said Superintendent Larry Bonar had catch basins  
37 installed a few years ago and is willing to look at it when the weather warms up.

38 \* Councilman Chamberlain suggested paving a small portion of Penn Street at Third  
39 Street since we are paving Juniper Avenue to Penn Street. The gravel from the small  
40 portion of Penn Street keeps washing onto Third Street.

1 \* Councilman Chamberlain also reported the portion of Third Street needs paved  
2 from Grant Avenue to Cedar Avenue.

3 \* Councilwoman S. Wood said she would like to discuss at a policy meeting adding  
4 two more members to the commission.

5 \* Councilwoman S. Wood updated council on the Arts & Culture upcoming projects.  
6 The commission has created a survey for local artists and artisans that will be  
7 highlighted on the commissions Facebook page. They are working on an  
8 Appalachian cookbook. A public art sidewalk project is in the works at Park View  
9 Playground.

10 \* Councilman Saunders asked anything was done about trucks parking on the curbs?  
11 Chief Mitchell said they are being addressed.

12  
13 **MAYOR ITEMS:**

14 \* Mayor D. Wood said he would like to talk about forming a committee for  
15 Juneteenth at a policy meeting.

16 \* Mayor D. Wood expressed his happiness for in person council meetings.

17 \* Mayor D. Wood asked the status on the speed hump on Jackson Street? Manager  
18 Healy said the humps were recently ordered and will be installed as soon as they  
19 arrive.

20 \* Mayor D. Wood noted council will be discussing the Sanford Center at sub-  
21 committee meeting.

22 \* Mayor D. Wood asked if housing is permitted on the Fostoria property? Manager  
23 Healy said after looking at the remediation program, the property was sufficient for  
24 residential housing at that point. However, since there has been more fill brought  
25 in, there would have to be remediation testing done.

26  
27 **COMMITTEE REPORTS:**

28 **Reports by the Finance Committee.**

29 The finance committee will meet on Tuesday, March 9, 2021.

30 **Reports by the Traffic Committee.**

31 The traffic committee will follow the finance meeting.

32 **Reports by the Policy Committee.**

33 The policy committee will follow the traffic meeting.

34  
35 **COUNCIL ITEMS:**

36 \* **DeWitt** – Received complaints of generators running all night at the Fostoria  
37 property. Chief Mitchell said the generators are running for the pole lights and  
38 security. Councilwoman DeWitt feels the company should pay for electric instead  
39 of creating a noise violation by running generators 24-7.

40 \* Said she had a citizen requesting a speed hump on their street since Councilman

1 Chamberlain was able to have them. She advised the citizen that council does not  
2 approve speed humps on any street.

3 \* **Hunt** – Welcome new business on Jefferson Avenue Mounds of Nutrition to  
4 Moundsville.

5 \* **Chamberlain** – Asked Manager Healy if he has heard an update from DOT on  
6 the paving of First Street? Manager Healy reported after speaking to DOT District  
7 Engineer Tony Clark, First Street was the 2021 paving list.

8 \* Said after speaking with Delegate Charlie Reynolds, there has been discussion of  
9 possible premature closing of the Mitchell Plant 14 years earlier than the life  
10 expectancy of that facility. This would be devastating to this county. He urges  
11 council to keep a close eye on the discussions.

12 \* Asked council to reach out to our representatives and delegates asking them to  
13 oppose the bill relating to gender issues which opens the door for men to  
14 participate in women’s sports and allows men to enter into woman’s locker rooms  
15 and restrooms.

16 \* **Saunders** - Asked if the Water Board was proposing to replace the water line on  
17 First Street? Councilman Wallace said the line will not be install this year,  
18 however the Water Board was putting together a package to obtain some other  
19 funding to help with the cost.

20

21 Mayor D. Wood moved to go into an executive session for personnel matters after  
22 a 5 minute recess, seconded by Councilman Saunders. Motion carried  
23 unanimously.

24

25 Regular session recessed at 8:05 p.m.

26 Regular session reconvened at 8:10 p.m.

27 Executive session began at 8:10 p.m.

28 Executive session recessed at 8:23 p.m.

29 Regular session reconvened at 8:23 p.m.

30

### 31 **Discussion of Salary for Substitute Municipal Court Judge.**

32 Councilman Chamberlain moved to provide an equivalent salary to a substitute  
33 Municipal Court Judge as the permanent Municipal Judge to be paid for each court  
34 session attended including training sessions, seconded by Vice Mayor Hunt.

35 Motion carried unanimously.

36

37 Councilman Saunders moved to adjourn, seconded by Councilwoman S. Wood.

38 Motion carried unanimously. Councilman Saunders and Councilwoman S. Wood

39 rescinded their motion and second due to Attorney White presenting legal ads to be

40 received and filed by Council.



1 Councilman Chamberlain moved to receive and file legal ads published in the  
2 Moundsville Daily Echo, seconded by Vice Mayor Hunt. Motion carried  
3 unanimously.

4  
5 Councilman Saunders moved to adjourn, seconded by Councilwoman S. Wood.  
6 Motion carried unanimously.

7  
8 Meeting adjourned at 8:30 p.m.

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10  
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Sondra J. Hewitt, City Clerk

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David Wood, Mayor