

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JULY 3, 2012**

The Council of the City of Moundsville met in regular session in the council chambers on July 3, 2012 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation 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, Building Inspector Schneider and Richmond, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of June 5, 2012.

Mayor Wallace made a correction of page 1, line 9, "Invocation was by Mayor Dennis Wallace, not Councilperson Simms".

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

GENERAL PUBLIC HEARING:

* Patricia Jackson, 1804 Meighen Avenue reported the yard at 1802 Meighen Avenue is again full of trash and junk, also the grass is high.

Councilperson Wood noted that he has spoken to Mrs. Jackson several times concerning the trash at 1802 Meighen Avenue. Several work orders were turned over to the Police Department. The owners would clean up the yard and cut the grass. After time passes, the yard will be full of trash again.

* John Yeater, 101 Cherokee Drive, business located at 805 Tenth Street, opposed the variance request for the empty lot next to his business. Mr. Yeater also presented a petition signed by several residents who are opposed to changing that property from residential to commercial.

Councilperson Simms made a motion to receive and file the petition, seconded by Councilperson Saunders. Motion carried unanimously.

* Beth Bertram, Marshall County Fairgrounds President, invited council and citizens to the Marshall County Fair starting July 22 through 28, 2012. Mrs. Bertram explained to council the reason for not being in compliance with the electrical code was because they hired an electrician who had previous jobs scheduled and was unable to meet the Fair Boards deadline.

* Don Childers, 1419 Ninth Street, reported to council that Precision Geophysical was in Moundsville performing tests on city streets and used the vibration truck in front of their residence causing damage. Mr. Childers was advised to contact Precision who advised City Manager Hess they would take care of any damages.

* Carl Boso, 305 Tenth Street, informed council the property they are speaking about concerning high grass is not the property that he is contracted to cut. Auto Zone owns a portion of that property.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson Simms reported receiving complaints of high grass at the Riverfront Walking Trail. Street Commissioner Richmond insured council the Street Department has mowed and mulched the whole trail 6 feet back from the trail.

* Councilperson DeWitt asked Manager Hess if it has been determined as to who is responsible for the weeds in alley at 10th Street & Ruby Street. Manager Hess advised the weeds are the responsibility of the property owner.

* Councilperson Saunders asked if Manager Hess obtained a copy of the ordinance from the City of Wheeling pertaining to campers. Manager Hess advised the issue will be discussed at the committee meeting.

* Councilperson Saunders reported a vacant house at 1522 Sixth Street. Building Inspector Richmond reported sending a letter to the owner.

* Councilperson Saunders asked if Manager Hess spoke to the owner of the property behind Wood Fitness Center. Manager Hess advised that she has left messages for him but he has not returned her call.

NEW BUSINESS:

Discussion and Approval of an Amendment to the Ordinance Pertaining to Sidewalk Removal by 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 SECTION 901.16 OF THE CITY CODE TO PROVIDE FOR SIDEWALK REMOVAL BY THE CITY IN CERTAIN CIRCUMSTANCES. (FIRST READING)

Councilperson Simms made a motion to accept and approve the sidewalk ordinance, seconded by Councilperson Haynes for discussion.

Councilperson Wood motioned to amend the ordinance by eliminating “front of residence” and adding “front and side of residence”, seconded by Councilperson Simms.

Mayor Wallace asked members to vote on the amendment. Dewitt, Haynes, Remke, Saunders, Simms, Wood and Mayor Wallace voting yea. 7 yeas. Motion carried unanimously. Mayor Wallace asked members to vote on the original ordinance with amendments. Haynes, Remke, Saunders, Simms, Wood, Mayor Wallace and DeWitt voting yea. 7 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance to Abolish the Historic Landmarks Commission. (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, ABOLISHING THE CITY’S HISTORIC LANDMARKS COMMISSION. (FIRST READING)

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

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

Appointment to the Moundsville Water Board.

Councilperson Wood made a motion to re-appoint Tom Ferris to the Moundsville Water Board, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City to Enter Into a Contractual Agreement with the Governor’s Community Partnership Office for a Grant Award. (Strand Theater Improvements for \$10,500)

Councilperson Remke made a motion to authorize the City Manager to enter into a contractual agreement with the Governor's Community Partnership Office for a Grant Award for the Strand Theater improvements in the amount of \$10,500, seconded by Mayor Wallace. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the Execution of a Certain Application for a Grant Through the Community Participation Program. (MEDC - American Veterans Traveling Tribute for \$25,000)

Councilperson Remke made a motion to authorize the City Manager to execute a grant application through the Community Participation Programs to MEDC for the American Veterans Traveling Tribute in the amount of \$25,000, seconded by Councilperson Wood. Motion carried unanimously.

Discussion and Approval of a Recommendation from the Moundsville Planning Commission to Authorize the City Attorney to Draft a Zone Change Ordinance for 1500 Water Street from Multi-Family Residential Zone (R-M) to Special Event District.

Mayor Wallace allowed Mr. Rhome to speak concerning his request for a zone change at 1500 Water Street.

Councilperson Simms made a motion to authorize the City Attorney to draft a zone change ordinance for 1500 Water Street from RM to SE, seconded by Councilperson Haynes for discussion.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Saunders, Wood, DeWitt and Remke voting nay. Simms, Mayor Wallace and Haynes voting yea. 4 nays, 3 yeas. Motion failed.

Discussion and Approval of a Recommendation from the Moundsville Planning Commission to Authorize the City Attorney to Draft an Amendment to the Zoning Ordinance Permitting Additional Camper Hookups in Special Conservation District (S-C) at 2101 12th Street.

This recommendation was not discussed. Attorney White noted that city council is not involved in either Special Exceptions or Variances.

Discussion and Approval of Budget Revision #1 for the 2012-2013 Coal Severance Fund.

Councilperson Saunders moved to approve the Budget Revision #1 for the 2012-2013 Coal Severance Fund, seconded by Councilperson Haynes. Motion carried unanimously.

Other Items Discussed by Council.

* Councilperson Saunders informed council members that the Parks & Recreation Board will be considering all properties and facilities maintained by the board to be smoke free.

* Councilperson Saunders reported two addresses who are residents driving with OH plates. He advised that he will turn these addresses over to the Assessor's Office.

* Councilperson Remke reported the property behind Ken Blake's Photography is full of junk and considered a fire hazard. Manager Hess also noted the owner is growing corn on the side of the building.

Attorney White suggested the Building Inspector look at the situation to see if they are violating any code.

* Councilperson Remke reported a window broke out at the former Pam's Restaurant.

* Councilperson Remke asked for an update on the repair of the street sweeper. Street Commissioner Richmond reported parts that were ordered were wrong but feels the sweeper should be up and running by Thursday.

* Councilperson Remke reported the tree previously reported to council by Linda Markey, 21 Fostoria Avenue, has fallen with some debris landing on Mrs. Markey's house.

* Councilperson Remke reported the curbs have sunk on Jefferson Avenue since the street repair. Manager Hess advised the curbs have been that way before the repair project on Jefferson Avenue. Mr. Remke reported the curbs are sinking where the water meters are located.

* Councilperson Remke requested the purchase of generators for the City Building and Police Department be discussed at the Finance Committee.

* Councilperson Haynes asked why the Water Board stop using softeners in the water supply? Mayor Wallace responded saying the board did not stop using the softeners all together they have cut back because of the volume of water being used until the new well is drilled and in use.

MANAGER ITEMS:

Discussion to Change the Council Meeting of August 7, 2012 Due to WVML Conference.

Councilperson Saunders made a motion to change the regular council meeting of August 7, 2012 to August 6, 2012, seconded by Councilperson Wood. Motion carried unanimously.

Legal Advertisements by Attorney White.

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

1. Zone Change Ordinance for 511 Tomlinson Avenue.
2. Zone Change Ordinance for 1425 Pearl Street
3. Zone Change Ordinance for 11 Primrose Street
4. Zone Change Ordinance for 6 Battelle Street
5. Announcement for Candidate Filing

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

MAYOR ITEMS:

* Mayor Wallace wished everyone a safe and happy Fourth of July.

* Mayor Wallace emphasized on all the service men and women who are still in harms way and have fought for our Independence to return home safely.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Policy Committee.

Councilperson Wood scheduled a policy meeting on Tuesday, July 10, 2012 at 5:00 p.m.

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Saunders scheduled a finance meeting following the policy meeting.

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson Simms scheduled a traffic meeting following the finance meeting.

COUNCIL ITEMS:

* **Wood** - Wished to thank the Police Department, City Fire Department, Street Department and Volunteer Fire Department during the storm and power outage on Friday, July 6, 2012.

* Announced that he will be attending a training session along with Dr. Margaret Stout dealing with the comprehensive plan at Stonewall Jackson.

* Wished to thank the Parks & Recreation for their help with "The Boys of Summer". Also,

thanks to the Street Department for making the signs displayed at the ballfields.

* Sends sympathy to the family of Randy Chamberlain on the passing of his father.

* **Remke** - OVCOF will be meeting July 12, 2012 at 6:00 p.m. at the prison.

* Wishing everyone has a safe and happy Fourth of July.

* Requested a building tracking report from Manager Hess.

* Asked if there was something that could be done with the crooked passed Mayors pictures on the wall. Manager Hess advised the pictures will be moved to a different wall.

* **Saunders** - Commended Police Chief Mitchell for organizing the Neighborhood Watch Academy. He suggested recognizing the participants at a council meeting.

* Asked if 329½ Thorn Avenue resident is still working on her house? Building Inspector Schneider said they are still working on the electric.

* Asked if 211 Olive Avenue was still working on his roof. Building Inspector Schneider advised that he was.

* **Haynes** - Reported the street in front of 24 Locust Avenue & 10 Oak Avenue need repaired where sewer line was replaced. And the sidewalk needs repaired on Park Street where the fire hydrant was removed.

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

Meeting adjourned at 8:26 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor