

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
AUGUST 5, 2014**

The Council of the City of Moundsville met in regular session in the Council Chambers on August 5, 2014 at 7:00 p.m.

Meeting was called to order by Mayor Gene Saunders.

Invocation by Councilperson David Haynes.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, D. Haynes, P. Haynes, Remke and Mayor Saunders. Absent: Simms & Wood. Also present: City Manager Deanna J. Hess, Police Chief Mitchell, Street Commissioner Richmond, Attorney Thomas White, CPA Kathryn Goddard and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of July 15, 2014.

Councilperson P. Haynes moved to accept and approve the minutes of the regular council meeting of July 15, 2014, seconded by Councilperson Simms. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* B J Schillaci, 713 Second Street, said he attended a council meeting on May 20 and assured that Mr. Rickrode was not going to install a gate across the alley between Morton Avenue & the Eagles parking lot. This alley has been opened for many years and maintained by the city. He asked who authorized Mr. Rickrode to install the gate.

Attorney White commented that he provided an opinion to council stating from historical interest of a 1924 deed the alley was established for "the use in common with the owners of all other property adjoining thereon." The owner of the alley intended it to be used only by its adjacent property owners, making the alley private and not open for public use.

Mr. Schillaci provided a petition from residents opposing the installation of the gate. He also commented this act was unfair to the neighbors who used that alley all the time. Councilperson Remke moved to receive and file the petition, seconded by Councilperson DeWitt. Motion carried unanimously.

* Ben Schillaci, 718 Second Street, said installing the gate on this alley is an inconvenience to everyone. The city has maintained this alley for over 30 years. He doesn't feel that allowing Mr. Rickrode to install the gate is fair to the surrounding neighbors who have lived there for many years.

* Richard King, Uniquely Yours, 305 Jefferson Avenue, expressed concerns of Jefferson Avenue being closed again by the Sanitary Board for repairs. He asked that council and city manager consider the business owners when closing Jefferson Avenue since they were not aware the street was being closed for a second time.

* Terry Phillips, 278 Jefferson Avenue, read an article provided by Councilperson Remke concerning UMAC and business owners on Jefferson Avenue. He commented closing Jefferson Avenue again was unfair to the business owners because they were unaware of the Sanitary Board project.

* Teri King, Uniquely Yours, 305 Jefferson Avenue, commented the sidewalk repair done on Jefferson Avenue is horrible, the colors of concrete do not match and somebody placed foot prints in the sidewalk.

* Francis Tucker, 115 Morton Avenue, reported owning property on Morton Avenue for many, many years and gating the alley on Morton is unfair to the surrounding property owners. He stated this has been an alley for as long as he can remember.

* Theresa Gouldsberry, 264 Jefferson Avenue, commented that she and her granddaughter own one of the properties that this gate was installed on. She also commented she was installing a gate on another piece of her property to keep people from walking through to Jefferson Avenue and littering on it.

* Mark Johnson, 109 Morton Avenue said he has lived in the same house since he was a child and remembers the alley being used by all residents in that neighborhood. He thinks council and the property owners who installed the gate should think of the elderly people who use that alley to walk to Jefferson Avenue.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson DeWitt asked if the City Manager received information from the state concerning the intersection at 12th & Lafayette Avenue. Manager Hess reported she has not received anything from the state.

* Councilperson Remke asked that an independent contractor survey the alley in question on Morton Avenue. If the alley belongs to the city, Mr. Rickrode would have to pay for the removal of the gate. If it is determined private, the city should pay for the survey.

* Councilperson Remke thanked the business owners for addressing council concerning closing Jefferson Avenue.

* Mayor Saunders told Attorney White that he wants to see the deed that was used to determine the alley off of Morton Avenue was private? Who gave the Building Inspector the authority to issue the permit to install the gate? Attorney White noted the Building Inspector asked him if the alley was private or not. Attorney White said that his research showed the alley was private, so the Building Inspector would need to make sure the property complied with zoning. Mayor Saunders feels there was a great injustice done to the people in this neighborhood.

* Councilperson Remke noted he will be out of town on Monday and unable to attend the Policy Meeting. He wants to go on record that he is in favor of banning the ATV's unless they are being used for snow removal.

* Councilperson Remke asked if the letters to Delegates & Senators were drafted inviting them to a meeting to discuss First Street extending to Rt. 2. Manager Hess had not drafted them at this time but will do so.

NEW BUSINESS:

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a Contractual Agreement with the Division of Justice & Community Services (DJCS) to Receive and Administer Grant Funds from the Justice Assistance Grant (JAG) Program. (Resource Officer at Moundsville Middle School July 1, 2014 through June 30, 2015)

Councilperson Remke moved to approve the resolution for the Resource Officer at Moundsville Middle School, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion and Award of Bids Received for City Used Vehicles to A-1 Auto Parts, Wheeling WV in the amount of \$1886.00.

Councilperson Remke moved to award the bid for used vehicles to A-1 Auto Parts, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion to Change the Sub Committee Meetings from Tuesday, August 12 to Monday, August 11, 2014.

Councilperson P. Haynes moved to change the sub committee meetings to Tuesday, August 12, 2014, seconded by Councilperson DeWitt. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson D. Haynes asked why are all the "No Thru" traffic signs were going up and who is authorizing the signs because the traffic committee has not done so? Street Commissioner Richmond said he would check with his department.

Councilperson D. Haynes made a motion for this matter to be discussed at traffic committee, seconded by Councilperson P. Haynes. Motion carried unanimously.

* Councilperson D. Haynes made a motion to discuss at the policy committee the possibility of hiring Code Enforcement Officers, seconded by Councilperson Remke. Motion carried unanimously.

* Councilperson Remke asked for updates on vacant buildings.

* Councilperson Remke made a motion to discuss at the traffic committee the removal of the blinking school zone lights at the closed schools, seconded by Councilperson D. Haynes. Motion carried unanimously.

MANAGER ITEMS:

Approval to Authorize the City Manager to Enter Into an Engagement Letter with Steptoe & Johnson to Perform as Bond Council at the Cost of \$13,500 for the Purchase of Property.

Councilperson D. Haynes made a motion to authorize the City Manager to enter into an engagement letter, seconded by Councilperson P. Haynes.

Mayor Saunders called for a voice vote. City Clerk announced the following tally. 4 yeas, 1 nay. Remke voting nay. Motion carried.

MAYOR ITEMS:

* Mayor Saunders assured the audience that he has not given up on the decision presented by the City Attorney. He will continue to research this matter until it is settled.

* Mayor Saunders reported receiving \$9,000 for the skateboard park from the Marshall County Commission. This was greatly appreciated and should finish the park.

COMMITTEE REPORTS:

Discussion of Recommendations by the Finance Committee.

Meeting is scheduled for Monday, August 11, 2014 at 5:00 p.m.

Discussion of Recommendations by the Policy Committee.

Policy will follow the finance meeting.

Discussion of Recommendations by the Traffic Committee.

Traffic will follow the policy meeting.

COUNCIL ITEMS:

* **Remke** - Asked that Manager Hess look into the “Bond” by Rover Construction for the paving of Jefferson Avenue.

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

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

* **DeWitt** - Glad to see Manager Hess back to work.

* Congratulations to the Skateboard park for funds received.

Councilperson DeWitt moved to adjourn, seconded by Councilperson P. Haynes. Motion carried unanimously.

Meeting adjourned at 8:05 p.m.

Sondra J. Hewitt, City Clerk

Eugene Saunders, Sr., Mayor