

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
APRIL 17, 2012**

The Council of the City of Moundsville met in regular session in the Council Chambers on April 17, 2012 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson David Wood.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, Remke, Saunders, Wood and Mayor Wallace. Absent: Haynes (ill) and Simms. Also present: City Manager Deanna J. Hess, Police Chief Mitchell, Fire Chief Clarke, Street Foreman Stocklask, Building Inspector Schneider, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of April 3, 2012.

Councilperson Wood Made a motion to accept and approve the minutes of the regular council meeting of April 3, 2012, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Richard King, Moundsville Activities Committee wished to sincerely thank council members, City Manager Hess and everyone who helped with the Easter festivities on Jefferson Avenue and the Riverfront Park and apologize for the mis-communication in the planning of the Easter Egg Hunt.

Councilperson Remke also thanked Chief Mitchell, the Street Department and City Manager Hess for everything they did to help with the Easter festivities.

* Carl Boso, 305 Tenth Street, asked what the city's policy is on 30 day notices, such as two people receiving tickets for something and another person received a 90 day extension for something.

Attorney White advised that Mr. Boso that everything is handled on a case by case basis. If Boso would provide the information and the circumstances could be looked into. There could be a logical explanation.

Also Mr. Boso asked if it was city policy to tell somebody who complained on them? Mayor Wallace said that Mr. Boso has a right to face his accuser.

* Rich Wilson, representing Mr. David Bledsoe of 1007 Thompson Avenue, informed council

that Mr. Bledsoe was present to demonstration his interest in the proposed zone change at 1007 Thompson Avenue.

* Dennis Kidd, 1215 Second Street, also a member of the Moundsville Planning Commission informed council that he previously voted twice against the proposed zone change at 1007 Thompson Avenue but has recently changed his mind and no longer opposes the request.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Business & Occupation Tax Increases. (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 THE CODE OF THE CITY OF MOUNDSVILLE BY AMENDING AND REENACTING SECTIONS 745.09 AND 745.12 PROVIDING FOR INCREASING BUSINESS AND OCCUPATION TAXES ON CONTRACTING AND FURNISHING PROPERTY FOR HIRE IN THE CITY. (SECOND READING)

Councilperson Saunders made a motion to accept and approve the B&O Taxes ordinance providing increases for rental & contractors, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. DeWitt, Remke, Saunders, Wood and Mayor Wallace. 5 yeas. Motion carried unanimously.

Other Items to be Discussed by Council.

Councilperson Saunders commented on Mr. Boso's remark concerning council showing favoritism to anyone. He feels the City Manager is doing a fine job and decisions made by her are on a case by case scenario. Attorney White also commented that city does not want to make criminals out of the citizen, we try to give them a chance to make the repairs or changes to their properties before giving them citations.

NEW BUSINESS:

Discussion and Approval of Laying the Levy for the City of Moundsville 2012-2013 General Fund Budget.

Councilperson Wood made a motion to approve laying the levy of the 2012-2013 General Fund Budget, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of an Ordinance Pertaining to Animal Control and Treatment 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, COMPREHENSIVELY AMENDING AND REENACTING ARTICLE 505 OF THE CITY CODE OF THE CITY OF MOUNDSVILLE, RELATING TO ANIMAL CONTROL AND TREATMENT IN THE CITY OF MOUNDSVILLE. (FIRST READING)

Councilperson Wood made a motion to approve the revised animal control ordinance, seconded by Councilperson Saunders.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Remke, Saunders, Wood, Mayor Wallace and DeWitt. 5 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance Pertaining to a Zone Change for 107 Thirteenth Street. (First Reading)

Attorney White read the following proposed zone change 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 ON THIRTEENTH STREET IN THE CITY OF MOUNDSVILLE FROM A CENTRAL BUSINESS DISTRICT ZONE AND A NEIGHBORHOOD COMMERCIAL ZONE TO A HIGHWAY COMMERCIAL AND INTEGRATED COMMERCIAL CENTERS ZONE. (FIRST READING)

Councilperson Wood made a motion to approve the zone change seconded by Councilperson DeWitt for discussion.

Councilperson Wood asked Attorney White if the property is adjacent to a highway, being that the bridge is above the property? Attorney White said the zone was designed to be beside a highway. Attorney White also commented that council is changing the zone to allow permitted uses. Once council changes that zone, and if the applicant has a permitted use, it would also have to comply with the flood zone regulations, the building code and everything else concerning the city.

Councilperson Wood referred to the memo submitted by the Moundsville Planning Commission Attorney Peter Kurelac that Mr. & Mrs. Hartley's intentions are to accommodate incoming pipeline workers or other overnight travelers by converting the current business into a kind of

motor inn or bunkhouse but the C-H code does not refer to bunkhouse as a principle use.

Mayor Wallace commented that C-H zone does not concur with what Hartley's want to do. Building Inspector Schneider said the Planning Commission did consider that a bunkhouse or dormitory was not an ideal fit for that zone. However, Multi Family Residential (R-M) does fit their needs of using the structure for a bunkhouse or dormitory.

Mayor Wallace stressed to council that C-H zone does not include bunkhouses or dormitories and council must follow the code.

Attorney White told Mrs. Hartley that she needed to consult her attorney to see if she is making the right application for the property. Councilperson Wood then rescinded his motion and Councilperson DeWitt rescinded her second.

Councilperson Wood made a motion to table this matter, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion and Approval of a Resolution to Enter Into a Contractual Agreement with the Division of Justice & Community Services (DJCS) to Receive and Administer Grant Funds Pursuant to Provisions of the Justice Assistance Grant (JAG) Program.

Councilperson Saunders made a motion to authorize the City Manager to enter into a contractual agreement with the Division of Justice for the Justice Assistance Grant Program, seconded by Councilperson Remke. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City of Moundsville to Enter Into a Modification of the Voluntary Remediation Agreement for the Fostoria Site in the City of Moundsville.

Attorney White explained modifications to the agreement show the old agreement states the City of Moundsville as owners, where as, the City of Moundsville is no longer the owners; the date of the application needs changed. However, the City of Moundsville is still an applicant on the Voluntary Remediation Program. Lastly, GAB changed their consultant.

Councilperson Saunders made a motion to authorize the City Manager to enter into a Modification of the Voluntary Remediation Agreement for the Fostoria Site, seconded by Councilperson Wood. Motion carried unanimously.

Discussion and Approval of a Resolution Approving and Authorizing the Water Board of the City of Moundsville to Purchase Real Estate to be Held in the Name of the City for the Benefit of the Water Board.

Councilperson Wood made a motion to authorize the Moundsville Water Board to purchase real estate near the water wells, seconded by Mayor Wallace for discussion.

Attorney White explained the reason the Water Board is interested in purchasing the connecting property is because they are concerned that somebody else would purchase the property and cause contamination to the wells. They are also interested in building more wells.

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

Discussion and Approval of Candidate Filing Fees Rather than Obtaining Nominating Petitions.

Mayor Wallace made a motion to approve candidate filing fees rather than obtaining nominating petitions, seconded by Councilperson Remke.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Wood, DeWitt and Saunders voting nay. Mayor Wallace and Remke voting yea. 3 nays, 2 yeas. Motion failed.

Other Items to be Discussed by Council.

* Councilperson Wood asked what the procedure is to bring a tabled item from the table since it is not on the agenda? Attorney White advised that a council member motions to bring the item from the table, council make a motion to pass the ordinance.

Councilperson Saunders made a motion to bring from the table the zone change ordinance for 1007 Thompson Avenue, seconded by Councilperson DeWitt. Motion carried unanimously.

Councilperson Wood made a motion to approve the second reading of the zone change ordinance for 1007 Thompson Avenue from Industrial (I) to Combined Central Business District and Highway Commercial and Integrated Centers District (C-C-C-H), seconded by Councilperson DeWitt.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Mayor Wallace, DeWitt, Saunders, Remke and Wood voting yea. 5 yeas. Motion carried unanimously.

* Councilperson Wood asked for an update on the demolition of 17 Hickory Avenue. Fire Chief Clarke advised the contractor, Norris Demolition, has been on another job, he is waiting on the asbestos report and the original contract will be taken to the City Building on Wednesday.

* Councilperson Saunders reported a dilapidated structure on Pine Avenue near Jackson Street.

* Councilperson Saunders requested officer at the corner of Jackson Street & Poplar Avenue.

* Councilperson Remke reported seeing a lot of kids in the upper parking lot at Four Seasons Pool. Councilperson Saunders advised that lights stay on until 11:00 p.m. Officers have been patrolling and the only complaints have been the trash they are leaving, which City Manager Hess advised that garbage cans have been placed in the parking lot.

* Councilperson Saunders commented on the “camper” situation in the city saying that council needs to get control of permitting campers & RV’s all over the city. Councilperson Wood agreed.

MANAGER ITEMS:

Business After Hours at the Marshall County Co-op.

The Marshall County Chamber of Commerce is sponsoring Business After Hours at the Marshall County Co-op on Thursday, April 26, 2012 from 5-7 p.m.

Legal Advertisements by the City Attorney.

Attorney White presented certificates of publication advertised in the Moundsville Echo to be received and file by council:

1. Zone Change at 28 Park Street
2. Zone Change at 5 Jefferson Avenue Extension
3. Zone Change at 1417-1423 Pearl Street & 1427-1435 Pearl Street
4. Variance for 81 Highland Avenue
5. Bids received for Used Vehicles

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

COMMITTEE REPORTS:

Discussion of Recommendations by the Policy Committee.

Nothing at this time.

Discussion of Recommendations by the Traffic Committee.

Nothing at this time.

Discussion of Recommendations by the Finance Committee.

1. Discussion and Approval of Funding for Housing WVU Students Assisting with

**Comprehensive Plan. Cost for Two Nights Lodging at Grand Vue Park \$345.00.
Committee recommends paying to cost of lodging for students in the amount of \$345.00.**

Councilperson Saunders made a motion to authorize the funding for two nights lodging at Grand Vue Park cabins in October, 2012, seconded by Councilperson Remke. Motion carried unanimously.

COUNCIL ITEMS:

* **Wood** - Encouraged citizens to attend and provide input at the community meeting on Friday evening, April 20, 2012 from 7-9 p.m. and Saturday, April 21, 2012 from 9-11 a.m., and again at 2-4 p.m.

* **Remke** - Invited council to the “Wall Project” meeting on Thursday, April 19, 2012, at 6:00 at the Moundsville Training Center.

* **Saunders** - Condolences to Mayor Wallace, Mrs. Wallace and their family on the loss of a loved one.

* Thanked those who called when he was ill a couple of weeks ago.

* Noticed the Sanitary Board was paving the areas they had dug up for repairs. Manager Hess reported the Sanitary Board has stated repairs on streets were been done on 7th Street and Potomac Street.

* **DeWitt** - Requested the parking problem around the prison be on the next traffic agenda.

* Reported the street behind the Woods Fitness is in bad shape. She suggested volunteers cleaning the area up. Councilperson Saunders suggested sending them a letter concerning the street.

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

Meeting adjourned at 8:05 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor