

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE**
2 **JUNE 5, 2012**

3

4 The Council of the City of Moundsville met in regular session in the Council Chambers
5 on June 5, 2012 at 7:00 PM.

6

7 Meeting was called to order by Mayor Dennis Wallace.

8 Invocation was given by Councilperson K Mark Simms.

9

10 Acting City Clerk Ankrom called roll and the following Councilpersons were in
11 attendance: DeWitt, Haynes, Remke, Saunders, Simms, Wood, and Mayor Wallace. Also
12 present: City Manager Hess, Police Chief Mitchell, Fire Chief Clarke, Public Works
13 Foreman Stocklask, Building Inspectors Schneider & Richmond, CPA Goddard, Attorney
14 White, and Acting Clerk Ankrom. Absent was City Clerk Hewitt (illness).

15

16 **MINUTES:**

17 **Regular Council Meeting of May 15, 2012**

18 Councilperson Haynes made a motion to accept the minutes as presented, which Vice
19 Mayor Saunders seconded; motion carried unanimously.

20

21 **GENERAL PUBLIC HEARING:**

22 **Suzanne Park, MEDC & Paul Simmons, WVDOC – Concerning Opening**
23 **Washington Avenue**

24 It was noted Paul Simmons was unable to attend tonight's meeting due to a scheduling
25 conflict; but Attorney White informed he had received an email from the Department of
26 Corrections opposing the opening of Washington Avenue. Suzanne Park presented the
27 Moundsville Economic Development Council's opposition to the street opening and
28 reviewed a slide show of pictures she took from various angles. The question was raised
29 on whether this portion of Washington Avenue is an actual street, and is ownership
30 possessed by the City of Moundsville or the Department of Corrections. Attorney White
31 commented there is likely a City right-of-way, but will research courthouse records to
32 confirm this. Ms Parks narrated through the slide show and pointed out portions of
33 Washington Avenue that are too narrow for two vehicles to pass; there are warning signs
34 marking high voltage wiring nearby; the buildings, used for storage by the DOC and
35 various City departments, are not secure; various areas of fencing will need repaired,
36 replaced, or removed completely; and parking during major events at the prison will also
37 hinder traffic through the area. Ms Parks commented the DOC will incur significant costs
38 to secure their adjoining property, if the street is opened. Manager Hess confirmed the
39 street has been closed for 37 years. Lengthy discussion was held on blocking traffic during
40 major events, if the street is opened, and the possibility that more traffic may deter
41 destructive activities in the area. Councilman Saunders recommended sending this issue
42 back to the Traffic Committee; and Attorney White will have more information available

1 at the next Council meeting.

2

3 * Lester Tasker of 1407 10th Street noted he has some items that need hauled away during
4 the next clean up; and he has not received any more information from the Magistrate's
5 office in regard to the robbery at his residence. Chief Mitchell explained that Corporal
6 Carr did turn that case over to the Magistrate and is unable to assist any more in the matter.

7

8 **OLD BUSINESS:**

9 **Discussion and Approval of an Ordinance Pertaining to Projecting Signs in the City**
10 **of Moundsville (Second Reading)**

11

12 Attorney White read the ordinance by title only:

13 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
14 **VIRGINIA, AMENDING THE CODE OF THE CITY OF MOUNDSVILLE,**
15 **PROVIDING FOR PROJECTING SIGNS IN THE DESIGNATED BUSINESS**
16 **DISTRICT ZONES AND PROVIDING REGULATIONS FOR THE SAME**
17 **(SECOND READING)**

18

19 Councilman Wood made the motion to approve the ordinance on second reading; Vice
20 Mayor Saunders seconded the motion for discussion.

21

22 Councilman Remke explained the reasoning behind the ordinance was to make certain
23 business districts more aesthetically appealing, and existing signs will be grandfathered
24 in. Sheila Powell addressed Council with her support of the ordinance, as she believes
25 the limitations will keep an “old fashioned” theme on Jefferson Avenue. It was pointed
26 out there are no historic requirements in the ordinance, as far as sign design is concerned;
27 and current legislation does not prohibit these types of historical signage.

28

29 Mayor Wallace called for a roll call vote; Acting Clerk Ankrom announced the following
30 tally: six yeas, one nay, with Councilman Simms voting nay. Motion passes.

31

32 **Discussion and Approval of a Zone Change Ordinance for 1417-1423 Pearl Street &**
33 **1427-1435 Pearl Street (Second Reading)**

34

35 Attorney White read the ordinance by title only:

36 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA,**
37 **PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA ON PEARL**
38 **STREET IN THE CITY OF MOUNDSVILLE FROM A MOBILE HOME PARK**
39 **DISTRICT ZONE TO A SPECIAL EVENT ZONE (SECOND READING)**

40

41 Vice Mayor Saunders made a motion to approve the ordinance on second reading, which
42 Councilman Wood seconded.

1 Mayor Wallace called for a roll call vote; Acting Clerk Ankrom announced the following
2 tally: seven yeas. Motion carries unanimously.

3

4 **Other Items to be Discussed by Council**

5 *Councilman Wood noted the house on Hickory Avenue is being demolished.

6

7 *Councilman Wood asked about streets scheduled for paving; Manager Hess will be
8 addressing this issue under Manager Items.

9

10 *Councilman Wood asked the new police officers be introduced to Council. Chief
11 Mitchell will arrange when the officers return from their Police Academy training.

12

13 *Councilman Wood commented Council needs to personally address the influx of
14 campers by putting an end to the “spot zoning” that is being done.

15

16 *Vice Mayor Saunders broached discussion on the proposed RV campground at the
17 Riverfront. The Parks & Recreation Board feels that, since their formation, they have
18 managed all Recreation Department property, and their opinion should be considered in
19 the decision-making; and the Board members are opposed to the prospective campground.
20 Councilwoman DeWitt questioned where the funding would come from, to which Mayor
21 Wallace responded most of the work would be done by City employees. Councilman
22 Simms reminded Council the intent was never to have long-term campers parked there,
23 but the area would be for recreational campers only, on a short-term basis. Council wants
24 to see more accurate cost figures before making a decision.

25

26 *Vice Mayor Saunders expressed frustration at the lack of progress on the Fostoria
27 property. He feels the meetings are a waste of time, since the City no longer has any
28 authority in deciding what is done with the site. It appears work has halted on the site;
29 and there is no more talk of prospective tenants, which is why GAB Enterprises was so
30 intent on obtaining ownership of the property. Councilman Wood agreed more pressure
31 needs to be put on the developers to continue moving forward; and he is keeping in contact
32 with Patrick Kirby of WVU to make sure that happens. Councilman Remke interjected
33 the company has been working other jobs to obtain funds to continue work at Fostoria.
34 The next meeting of the Fostoria Redevelopment Group will be held June 13 at 6:00 PM
35 at the FRN building.

36

37 *Vice Mayor Saunders commented on weeds along the road leading to Wood Fitness
38 center. Manager Hess has tried to contact the property owner.

39

40 *Councilperson Remke asked about progress with E-Government; Manager Hess noted
41 she has been busy with more pressing issues and has not moved forward.

42

1 *Councilperson Remke questioned whether Business & Occupation Taxes have been paid
2 on the Lafayette Avenue work, to which Mayor Wallace responded it would take some
3 time, as the work has to be inspected.

4
5 *Councilman Remke prompted discussion on the vacant building at 401 Jefferson Avenue,
6 which is in “shambles” and presents a health hazard. He wondered if the Health
7 Department could be approached to address the mold issue, which Inspector Schneider
8 confirmed is present. The owner was just recently found, and he allowed Inspector
9 Schneider inside the building, which was found to be structurally sound. Manager Hess
10 noted the owner is in poor health, and there are no grounds to issue a citation at this time.
11 John Yeater was in the audience and confirmed he has attempted to purchase the building,
12 as he owns an adjoining structure; however, the owner refuses to sell. After discussion on
13 billing property owners for City employees cutting grass and weeds on privately-owned
14 property, Attorney White confirmed there is no legal standing for the City to expect
15 payment for such services.

16
17 *Councilman Remke asked if letters have been sent to residents with hazardous raised
18 sidewalks, to which Manager Hess responded in the negative.

19
20 *Councilwoman DeWitt mentioned there are vacant buildings on 7th Street, as well as
21 other areas of town, but they are not paid as much attention as the ones on Jefferson
22 Avenue. Council obviously desires to have businesses in all vacant commercial buildings,
23 but their power is limited if the owners aren't working toward the same goal.

24
25 *Councilwoman DeWitt questioned whether the Police Department purchased tasers yet.
26 Chief Mitchell explained updates are needed to the Department's Rules & Regulations;
27 and purchase of three tasers will likely be made after July 1.

28
29 *Mayor Wallace asked about electrical work at the Fairgrounds, which Manager Hess says
30 is almost complete.

31
32 **NEW BUSINESS:**
33 **Discussion to Receive and File the Moundsville Water Board 2012-2013 Budget**
34 Councilman Simms made the motion to receive and file the 2012-2013 Moundsville Water
35 Board budget, which was seconded by Councilwoman DeWitt and carried unanimously.

36
37 **Discussion and Approval of a Resolution Authorizing the City to enter into a**
38 **Contractual Agreement with the Governor's Community Partnership Office for a**
39 **Grant Award of \$4,000.00 (Computer Improvements – Municipal Court Records)**
40 Councilman Remke made a motion to approve the resolution authorizing the City to enter
41 into a contractual agreement for the \$4,000.00 Governor's Community Partnership Office
42 grant. Motion was seconded by Councilman Simms. Manager Hess noted the funds will

1 be used to purchase a laptop and filing cabinets to maintain court records. Motion carried
2 unanimously.

3

4 **Other Items to be Discussed by Council**

5 *Vice Mayor Saunders objected to the Water Board's reluctance to correct low pressure
6 issues in Highland Hills. The residents of the six to eight homes affected pay the same
7 amount as other City customers but don't feel they are receiving adequate service. Mayor
8 Wallace noted this issue will come before the Water Board again.

9

10 *Councilman Remke noted electric pole #667B42379 has been disconnected, making the
11 alley in the 1500 block, between 7th and 8th Streets, very dark. Neighbors are not willing
12 to assist with paying the monthly service fee, and the resident that had been paying the
13 bill is no longer able to do so. Per Mayor Wallace, City Council should not get involved
14 with providing light service in alleyways.

15

16 **Discussion and Approval of Budget Revision #2 for the 2011-2012 General Fund**
17 **Budget**

18 Councilman Wood made a motion to approve, for discussion, Budget Revision #2 for the
19 2011-2012 General Fund Budget; Vice Mayor Saunders seconded. CPA Goddard noted
20 Revisions are due to the State by June 18, which is before the next scheduled Council
21 meeting. She explained this revision would be a more accurate projection to end the Fiscal
22 Year, as the figures are based on 10 months of revenue and expenditures. Motion carried
23 unanimously.

24

25 **Discussion and Approval of Budget Revision #2 for the 2011-2012 Coal Severance**
26 **Fund**

27 Vice Mayor Saunders made a motion to approve Budget Revision #2 for the 2011-2012
28 Coal Severance Fund, which Councilman Haynes seconded. Motion carried unanimously.

29

30 Councilperson Remke asked about prospective gas drilling on City property. Attorney
31 White has made some contacts.

32

33 **MANAGER ITEMS:**

- 34 • Manager Hess noted that, due to inclement weather, the Greg Yoho Memorial Car
35 Show was rescheduled to this Friday, June 8, from 5:00 to 9:00 PM.
- 36
- 37 • Manager Hess introduced new Building Inspector Joseph Richmond II. He and
38 Inspector Schneider will be leaving for training on Wednesday.
- 39
- 40 • Manager Hess informed that, in the near future, a part time janitor and Data Processing
41 Clerk will be hired for the City Clerk's Office.
- 42

- 1 • Manager Hess confirmed last year's streets have been paved; and paving will be done
2 around the Riverfront shelter tomorrow.
- 3
- 4 • Manager Hess confirmed 17 Hickory Avenue is coming down, and the neighbors are
5 very relieved.
- 6
- 7 • Manager Hess passed along the street paving list to Engineer Tush at Stegman &
8 Schellhase.
- 9
- 10 • Discussion was held on the mineral rights at the Fostoria property, which were to be
11 retained by the City of Moundsville. Former City Manager Hendershot was supposed
12 to make sure that detail was included in the deed process.
- 13
- 14 • Manager Hess noted Becky Cox will be reappointed to the Police Civil Service Board.
- 15
- 16 • Manager Hess will meet with Councilman Remke to discuss the raised sidewalk issue.
- 17

18 **MAYOR ITEMS:**

- 19 • Mayor Wallace congratulated the Minor family on their endeavor on Pearl Street. Mr.
20 Dennis Minor, on behalf of his family, thanked City Council and Inspector Schneider
21 for their assistance. Mr. Minor assured Council they would allow plenty of space
22 between the campers, as they have done with their 4th Street property. They may be
23 ready to move campers in next week.
- 24

25 **COMMITTEE REPORTS:**

26 **Discussion and Approval of Recommendations by the Finance Committee**

27 Vice Mayor Saunders offered to have the Traffic Committee meeting at 5:00 PM on June
28 12, 2012; however, Manager Hess requested the Policy Committee meet first, as Jonette
29 Lasz of The Schwendeman Agency will be presenting the 2012-2013 health insurance
30 renewal figures. Therefore, the Finance Committee will meet immediately following
31 Policy Committee.

32

33 **Discussion and Approval of Recommendations by the Traffic Committee**

34 The Traffic Committee will meet immediately following the Finance Committee.

35

36 **Discussion and Approval of Recommendations by the Policy Committee**

37 The Policy Committee will meet at 5:00 PM on June 12, 2012.

38

39 **COUNCIL ITEMS:**

40 * **Simms** – Welcomed Inspector Richmond!

41

42 * **Wood** – Commented approximately 16 people attended the meeting at the library last

1 evening. The author of the book *The Next Form of Democracy* will be in town August 29
2 for a book signing.

3 * Expressed his sympathy to the Kudlak family on the recent passing of their mother.
4 * Welcomed Inspector Richmond!

5 * Noted the County Commission gave \$3,000.00 toward the cost of updating the
6 Comprehensive Plan. A donation from Sweirkos Enterprises has also been received.
7

8 * **Remke** – Welcomed Inspector Richmond!
9 * Asked for more information on the Building Inspector reports.
10 * Noted the next OVCofF meeting is June 20, 2012 at 6:00 PM. He would like to see
11 Council members in attendance.
12

13 * **Haynes** – Noted the house at 47 Campground Road is empty.
14 * Commented the grass at 49 Linden Avenue needs cut. -
15

16 * **Saunders** – Explained a dinner on June 14, 2012 has been organized to raise funds for
17 a new group working to provide dental coverage for low income adults. Many local
18 dentists are involved, as well as providers from Wetzel and Tyler Counties.
19 * Planning continues on a 5K race to be held in August or September of this year. Two to
20 three sponsors have already been obtained; Police Sergeant DeWitt has been assisting in
21 this endeavor.
22 * Skatepark Committee will meet on Thursday. They hope to have a drain line in and the
23 new surface installed soon. Area businesses have been unresponsive thus far to requests
24 for assistance.
25

26 * **DeWitt** – Bestowed congratulations to Inspector Richmond and the Minor family!
27 * Noted the Purdy Avenue house is being torn down.
28 * Informed that Vice Mayor Saunders and Councilman Wood helped purchase soil and
29 mulch for the window boxes at the Police Department; and the John Marshall High School
30 Horticulture Department donated the flowers that were planted.
31 *Commented no parking should be allowed behind the prison wall between 8th and 10th
32 Streets.
33

34 Councilman Remke commented on the letter that was included from the Feeding Body &
35 Soul Community Kitchens. He opined that this is a great asset and worthy of the
36 community's support.
37

38 Vice Mayor Saunders asked about the right-of-way on Lafayette Avenue. Councilman
39 Wood has discussed the matter with Public Works Director Richmond and Sanitary
40 Superintendent Bonar, and the trees should not be adversely affected.
41

42 Councilwoman DeWitt made the motion to adjourn, which was seconded by Councilman

1 Wood. Meeting adjourned at 8:30 PM.

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6

Karen L Ankrom, Acting City Clerk

Dennis Wallace, Mayor