

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
SEPTEMBER 15, 2015**

The Council of the City of Moundsville met in regular session in the Council Chambers on September 15, 2015 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by Councilperson Mark Simms.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, D. Haynes, P. Haynes, Hendershot, Saunders, Simms and Mayor Wood. Also present: City Manager Deanna J. Hess, Corporal Allman, Fire Chief Clarke, Street Commissioner Stocklask, CPA Kathryn Goddard, Attorney Thomas White, and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of September 1, 2015.

Councilperson Hendershot moved to accept and approve the minutes of the regular council meeting of September 1, 2015, seconded by Vice Mayor Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Garland Lashare, 107 Morton Avenue, read sections from several city council minutes concerning the gate installed by Mr. Rickrode and the also yellow curb/lines painted.

Mayor Wood said that City Manager Hess will research his concerns.

* Mark Johnson, 109 Morton Avenue Rear, thanked council members who were present at the meeting on Morton Avenue. And asked council to give residents a notice as to when the street sweeper will be running.

Street Commissioner Stocklask told Mr. Johnson the street sweeper will be running every Tuesday morning. Vehicles must be moved.

OLD BUSINESS:

Other Items to be discussed by Council.

* Vice Mayor Saunders asked for an update on the Thorn Avenue property. Attorney White said he heard there were people claiming to be relatives however, Mr. Taylor appointed himself as Executor of the Estate. The next step is to publish property in the local newspaper asking for

heirs of the property. When nobody comes forth the city can demolish the property and place a lien on it.

* Vice Mayor Saunders asked if she heard anything from Tom Brown, owner of the former Fostoria Property? She advised she had not.

* Vice Mayor Saunders congratulated the city for being chosen for Home Rule.

NEW BUSINESS:

Discussion and Approval of an Ordinance for a Zone Change at 1109 12th Street from S-C Special Conservation to C-C-C-H Combined Central Business & Highway Commercial and Integrated Commercial Centers District. (First Reading)

Attorney White read the following zone change ordinance by title only to be passed by council on first reading:

AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA OFF TWELFTH STREET IN THE CITY OF MOUNDSVILLE FROM A SPECIAL CONSERVATION ZONE (S-C) TO A HIGHWAY COMMERCIAL AND INTEGRATED COMMERCIAL CENTERS ZONE (C-C-C-H) (FIRST READING)

Councilperson Simms moved to approve the zone change ordinance, seconded by Councilperson P. Haynes.

Mayor Wood called for a voice vote. City Clerk Hewitt announced the following tally. 7 yeas. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City of Moundsville to Enter Into a Loan Agreement for the Lease Purchase of Two (2) 2015 Ford Interceptor Vehicles for the Police Department.

Vice Mayor Saunders moved to approve the resolution to enter into a lease purchase agreement for two new police cruisers, seconded by Councilperson Simms. Motion carried unanimously.

Discussion and Approval of a Resolution of the Council of the City of Moundsville Approving and Authorizing the Sale of Certain Real Estate Located at 819 Lafayette Avenue Know as the Former Water Board Building and Providing for the General Terms of Said Sale.

At the Policy Committee meeting, Councilperson D. Haynes (Also Water Board Chairperson) asked Vice Mayor Saunders and Councilperson DeWitt to rescind their motion and second from the regular council meeting of July 28, 2015 when council voted on the resolution for the sale of

the Water Board building. The resolution was not presented to council at the time of the vote. Vice Mayor Saunders made a motion to accept the resolution authorizing the sale of the Water Board building, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion of Date and Time for Trick or Treat.

Vice Mayor Saunders made a motion to schedule Trick or Treat for Saturday, October 31, 2015 from 6:00 to 7:30 p.m., seconded by Councilperson DeWitt. Motion carried unanimously.

Receive and File the Fire Fighters 2015-2016 Annual Report.

Councilperson Simms moved to receive and file the Fire Fighters 2015-2016 Annual Report, seconded by Councilperson P. Haynes. Motion carried unanimously.

Other Items to be Discussed by Council.

* Vice Mayor Saunders asked Attorney if an issue would be a conflict of interested between him and the City of Moundsville when he signed a document representing Mrs. Gouldsberry, whose property was partially involved in the Rickrode issue. Mr. White said he signed the document (deed) before the Morton Avenue gate issue.

* Vice Mayor Saunders thanked the Stormwater crew for the work they did on Highland Heights.

* Councilperson Hendershot addressed the issue on closing Jefferson Extension and asked that citizen be patient with the traffic.

* Vice Mayor Saunders said the Lion's Club honored Moundsville Police Detective Don DeWitt for the work he has done as a First Responder. Mayor Wood asked that council send him a letter of congratulations.

MANAGER ITEMS:

* Business After Hours is scheduled for Thursday, September 24, 2015 from 5-7 at Perkins Restaurant. Any council members wishing to attend, please contact Marilyn at the City Manager's Office.

* Marshall County Annual Chamber Dinner will be held Thursday, October 1, 2015 at the Moundsville Training Center, social hour at 5 pm and dinner at 6 pm. Council members wishing to attend may call Marilyn at the City Manager's Office.

* The Annual Fall Festival is scheduled for Saturday, September 19, 2015, from 10-5 on Jefferson Avenue between Second Street & Fifth Street. Truck traffic has been re-routed.

MAYOR ITEMS:

* Elizabethtown Festival was well done and well attended.

* Complimented City Clerk Hewitt on providing minutes for the sub committee meetings.

* Mayor Wood and City Manager Hess will be adding pictures past and present landmarks in the City of Moundsville. They will be displayed on the council room wall. The pictures provided by local individuals or businesses. He obtained a "Moundsville" plaque and asked that any council member wishing to donate money toward the plaque would be appreciated.

* Mayor Wood expressed concern as to how the sub committee meetings are being managed. He feels each chairperson should be in control of their meetings. Mayor Wood recommends if the public wants to speak on a certain matter, they should be given 5 minutes to do so.

* Mayor Wood, Manager Hess and Attorney White will need to research the Feasibility Study Contract with McKinley and Associates concerning a resolution and scheduling a special meeting to approve the resolution.

* Mayor Wood announced the City of Moundsville was approved for Home Rule. The proposals approved were Vacant & Dilapidated Structures; Delinquent Fees; Reduction in Business Licenses; and Implementing 1% Sales Tax. Council will need to amend and resubmit the proposal for reduction of B&O Tax.

* Councilperson D. Haynes said he thought council approved paying \$5600 for a Feasibility Study. Mayor Wood agreed with Councilperson Haynes but said Attorney White feels council need to approve a resolution authorizing the City Manager to enter into a contract with McKinley & Associates.

* Councilperson Hendershot thanked council for the work on the Home Rule application.

COMMITTEE REPORTS:

Discussion of Recommendations by the Finance Committee & Chairperson Saunders.

1. Discussion of Donation Request from Roughnecks Motorcycle Club. Committee recommends donating \$50.00 to the Roughnecks Motorcycle Club.

Vice Mayor Saunders moved to approve a \$50 donation to Roughnecks Motorcycle Club, seconded by Councilperson P. Haynes. Motion carried unanimously.

Discussion of Recommendations by the Policy Committee & Chairperson DeWitt

1. Discussion of Home Rule Application Check List and Proposal. Committee recommends adding a 1% Sales Tax and decreasing the B&O Tax to the Home Rule Application.

Vice Mayor Saunders made a motion to add a 1% Sales Tax and decrease the B&O Tax to the Home Rule Application, seconded by Councilperson Hendershot. Mayor Wood called a voice vote. 6 yeas, 1 nay. DeWitt voting nay. Motion carried.

2. Discussion of the Resolution Concerning the Sale of the Water Board Building. Committee recommends that Vice Mayor Saunders rescind his motion and Councilperson DeWitt rescind her second at the Regular Council meeting of July 28, 2015 when council voted on a resolution for the sale of the Water Board building.

Vice Mayor Saunders rescinded his motion and Councilperson DeWitt rescinded her seconded. Motion carried unanimously.

Discussion of Recommendation by the Traffic Committee & Chairperson Simms.

1. Discussion of Request from Marshall County Commission to Implement Angle Parking on the North Side of Sixth Street from the Corner of Sixth Street & Court Avenue to the Corner of Sixth Street & Tomlinson Avenue. a) Committee recommends to table the request for angle parking. b) Waive Section 1371.05(a) Off-Street Parking that dictates how many parking spaces should be in parking lots.

Attorney White explained the Marshall County Commission will need a variance from the Zoning Appeals Board for section 1371.05(a) concerning parking spaces.

2. Discussion of Yellow Lines on Curb at 120 Morton Avenue. Committee recommends meeting all residents concerned at 6:00 p.m. on Tuesday, September 15, 2015 and have the Traffic Committee bring back a recommendation to council.

Councilperson Simms said committee members and citizens met on Morton Avenue at 6:00 p.m. before the council meeting. The committee will bring back a recommendation at the October 13, 2015 traffic meeting.

COUNCIL ITEMS:

* **DeWitt** - Asked for the One Way street signs at First Street & Morton Avenue to face east & west traffic so they know that part of Morton Avenue is a one way street.

* **Hendershot** - Nothing at this time.

* **P. Haynes** - Reported a car parked on Linden Avenue for 3 weeks.

* **Saunders** - Asked Chief Clarke if the measurements he took on Morton Avenue will permit the fire trucks to go through? Chief Clarke advised there would be no problem.

* **D. Haynes** - Reported street sinking at the intersection of Olive Avenue & Jackson Street.

* **Simms** - Nothing at this time.

Councilperson Simms moved to have executive session for litigation, seconded by Councilperson D. Haynes. Motion carried unanimously.

Regular session recessed at 8:07 p.m.

Regular session reconvened at 8:13 p.m.

Executive session began at 8:13 p.m.

Executive session recessed at 8:16 p.m.

Regular session reconvened at 8:16 p.m.

Councilperson Simms moved to adjourn, seconded by Councilperson Hendershot. Motion carried unanimously.

Meeting adjourned at 8:17 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor