

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **JUNE 3, 2014**

3
4 The Council of the City of Moundsville met in regular session in the Council Chambers on June
5 3, 2014 at 7:00 p.m.

6
7 Meeting was called to order by Mayor Eugene Saunders.

8
9 Invocation by Councilperson Mark Simms.

10
11 City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt,
12 D. Haynes, P. Haynes, Remke, Simms, Wood and Mayor Saunders. Also present: City Manager
13 Deanna J. Hess, Asst. Fire Chief Walker, Police Cpl. Carr, Street Foreman Stocklask, Attorney
14 Thomas White, CPA Kathryn Goddard and City Clerk Hewitt. Absent: Chief Clarke, Chief
15 Mitchell and Street Commissioner Richmond.

16
17 **MINUTES:**

18
19 **Regular Council Meeting of May 20, 2014.**

20
21 Councilperson P. Haynes moved to accept and approve the minutes of the regular council
22 meeting of May 20, 2014, seconded by Councilperson DeWitt. Motion carried unanimously.

23
24 **GENERAL PUBLIC HEARING:**

25
26 * Shirley Cook, Wesley Park, complained of people riding ATV's around Wesley Park &
27 Highland Avenue they can't set on their porch the noise is so loud.

28
29 * Bob Roberts, 91 Highland Avenue, complained of ATV's in neighborhood. He said he called
30 the police but didn't see an officer. This problem goes on all summer.

31
32 After some discussion, Councilperson Remke moved to discuss the city's ATV ordinance at the
33 policy meeting, seconded by Councilperson Simms. Motion carried unanimously.

34
35 * Mary Phillips, Mound Town Music, 276 Jefferson Avenue, asked when the Jefferson Avenue
36 project will be complete? Manager Hess reported end of June.

37
38 * Heidi Gast, 90 N Highland Avenue, reported police do not patrol the area, they respond only
39 when called. She reported and has pictures of a man driving an ATV with an infant on front and
40 a child in the back. Another rider was naked on his ATV going up and down the street. She
41 feels there is going to be serious injury to someone.

42
43 * Tim Gast, 90 N Highland Avenue, also spoke on the matter saying ATV owners are taking the

1 spark arrester out of the muffler and putting the end cap back on making it look like they have a
2 working muffler. He reported kids riding double popping wheelies when the boy on the back fell
3 off catching himself with his hand causing road rash.

4
5 * Carl Boso, 305 10th Street, reported 8 to 10 ATV's riding down 10th Street every evening going
6 to the walking trail. He commented that ATV riders must have proof of insurance if they are
7 driving on the street.

8
9 * Tom Doyle, 103 Cherokee Drive, asked when Jefferson Extension was going to be paved. City
10 Manager reported that we are unsure due to the fact that Jefferson Extension is a state project.

11
12 * Karen Gast, 2 Simpson Avenue, said a house in their neighborhood burned and wanted to know
13 when it was going to be tore down. Asked when the street sweeper was going to sweep her
14 street. And also reported 4 wheelers traveling at a high rate of speed one almost hit her.

15
16 **OLD BUSINESS:**

17
18 **Discussion of Date and Time for a Public Hearing of the Comprehensive Plan.**

19
20 Attorney White asked council to set the date for the public hearing on July 1, 2014 at 7:00 p.m.,
21 because a 15 day notice will have to be published as a Class II legal ad. City council meeting
22 may start after the public hearing.

23
24 Councilperson Wood moved to hold the public hearing for the Comprehensive Plan on July 1,
25 2014 at 7:00 p.m., seconded by Councilperson P. Haynes. Motion carried unanimously.

26
27 Attorney White asked council to rescind the motion and second from the previous council
28 meeting of May 20, 2014 accept the Comprehensive Plan as presented by the Moundsville
29 Planning Commission.

30
31 Councilperson P. Haynes made a motion to rescind the motion and second to accept the
32 Comprehensive Plan, seconded by Councilperson Wood. Motion carried unanimously.

33
34 **Other Items to be Discussed by Council.**

35
36 * Councilperson DeWitt asked what was going on with the 13th Street boat docks? Manager
37 Hess said she has not heard back from DNR.

38
39 * Councilperson P. Haynes commented that the junk vehicles in town are getting out of hand.

40
41 * Councilperson D. Haynes reported vehicle still parking on the parkway & curb. The reason for
42 the ordinance was to keep vehicles from breaking the water meter covers. But vehicles are still
43 parking there.

1 * Councilperson D. Haynes also commented on the grass cutting ordinance. When yards are cut
2 the grass is being blown or pushed into the street and washed down the sewer. The ordinance is
3 suppose to prevent this from happening.

4
5 * Councilperson Wood asked when the next street will be paved? Manager Hess reported Cedar
6 Avenue is being finished and they will start on Myrtle Avenue.

7
8 * Councilperson Wood commented that he & Mayor Saunders attended the dedication for the
9 Cameron swimming pool which the Landmark Commission was involved in.

10
11 * Councilperson Remke asked if the letter was sent to Jay Wallace concerning council
12 authorizing Councilperson Remke to move forward with the kiosk program? Mayor Saunders
13 advised the letter has not been sent to Mr. Wallace.

14
15 * Councilperson Remke asked if Chief Clarke received information back concerning a charge for
16 use of city emergency vehicle during an accident? Asst. Chief Walker said he didn't think Chief
17 Clarke had heard back from Weirton.

18
19 * Councilperson Remke asked if a letter had been drafted to Senator Kessler & Delegates
20 concerning the First Street/Jefferson Avenue Extension project? The items is to be addressed at
21 the Traffic Committee meeting.

22
23 * Councilperson Remke asked if the Water Board & Sanitary Board minutes can be placed on the
24 city's website? Manager Hess commented this would be up to the boards.

25
26 * Councilperson Remke asked for a list of the outstanding loans the city has. Ms. Goddard
27 advised she and the City Manager will discuss this request.

28
29 * Councilperson Remke previously reported extension cords being used at the Fairground
30 campground. City Clerk Hewitt reported she contacted Mr. Bertram at the Fairgrounds who
31 advised he checked all the campers and did not find a problem.

32
33 * Councilperson Remke reported vehicles are parking on the curb on 5th Street and 8th Street.

34
35 **NEW BUSINESS:**

36
37 **Discussion and Approval of an Ordinance Pertaining to an Increase to the Public Safety**
38 **Fee. (First Reading)**

39
40 Attorney White read the following ordinance by title only to be passed by council on first
41 reading:

42
43 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE WEST**

1 **VIRGINIA, AMENDING AND REENACTING SECTION 759.01 OF THE CITY CODE**
2 **TO INCREASE THE PUBLIC SAFETY RATE (FIRST READING)**
3

4 Councilperson Simms moved to approve the ordinance increasing the public safety rate,
5 seconded by Councilperson P. Haynes.
6

7 Mayor Saunders called for a voice vote. City Clerk announced the following tally. 7 yeas.
8 Motion carried unanimously.
9

10 **Discussion and Approval of an Ordinance Pertaining to an Increase to the Municipal Fee.**
11 **(First Reading)**
12

13 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
14 **VIRGINIA, AMENDING AND REENACTING SECTION 760.01 OF THE CITY CODE**
15 **TO INCREASE THE MUNICIPAL FEE RATE (FIRST READING)**
16

17 Councilperson Simms moved to approve the ordinance increasing the municipal fee rate,
18 seconded by Councilperson Wood.
19

20 Mayor Saunders called for a voice vote. City Clerk announced the following tally. 7 yeas.
21 Motion carried unanimously.
22

23 **Discussion and Approval of an Ordinance Pertaining to an Increase to the Garbage Fee.**
24 **(First Reading)**
25

26 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
27 **VIRGINIA, AMENDING SECTION 953.09 AND 953.10 OF THE CITY CODE TO**
28 **PROVIDE FOR INCREASED FEES FOR GARBAGE COLLECTION (SECOND**
29 **READING)**
30

31 Councilperson D. Haynes made a motion to approve the ordinance increasing the fees for
32 garbage collection, seconded by Councilperson P. Haynes.
33

34 Mayor Saunders called for a voice vote. City Clerk announced the following tally. 7 yeas.
35 Motion carried unanimously.
36

37 **Discussion and Approval of a Resolution to Authorize the City Manager to Enter Into a**
38 **Lease Purchase Agreement for a New Rosenbauer Fire Truck for the Moundsville Fire**
39 **Department.**
40

41 Councilperson D. Haynes moved to authorize the City Manager to enter into a lease purchase
42 agreement, seconded by Councilperson P. Haynes.
43

1 Mayor Saunders called for a voice vote. City Clerk announced the following tally. 6 yeas, 1 nay.
2 Remke voting nay. Motion carried.

3
4 **NEW BUSINESS:**

5
6 * Councilperson Simms reported a large hole on Cherokee Drive near Campground Road that
7 needs filled.

8
9 * Councilperson Wood asked for an update on the house that burned on Olive Avenue. And 307
10 Poplar Avenue.

11
12 * Councilperson Wood reported a building at the top of Center Street off of Sycamore that is in
13 bad shape.

14
15 * Councilperson Wood received a complaint of the ditch by the girls softball field that is clogged.
16 When it rains the parking lot gets flooded.

17
18 * Councilperson Remke advised council the city does receive an oil & gas severance tax. CPA
19 Goddard affirmed the gas severance tax which goes into the general fund.

20
21 * Councilperson Remke commented Councilperson P. Haynes for bringing attention to junk
22 vehicles in town.

23
24 * Councilperson Remke provided pictures to council concerning problems that occur behind
25 1514 Eighth Street every time it rains. Street Foreman Stocklask reported this problem was
26 turned over to the Sanitary Board. The board was suppose to put a catch basin in behind 1517
27 Seventh Street over a year ago.

28
29 * Councilperson Remke reported that 401 13th Street hasn't had anything done with it since Mr.
30 Blair appeared before council. The grass has become very high again and the house is still
31 vacant.

32
33 * Councilperson Remke reported a green & white trailer on 13th Street that is dilapidated.

34
35 * Councilperson P. Haynes complained that Amish contractors dumped a large dump truck load
36 of gravel blocking the alley by Sam Drive.

37
38 **MANAGER ITEMS:**

39
40 * City Manager Hess thanked everyone for the "Well Wishes" and thanked to City Clerk for
41 filling in for her.

42
43 * There will be a re-grand opening at the Fostoria Museum on June 12, 2014 at 11:00 a.m.

1 * Annual Car Show on Friday, June 6 was moved to Jefferson Avenue between 8th Street & 11th
2 Street due to gas line replacement.

3
4 * Manager Hess made comment to something being said to her concerning citizens not being
5 involved in the Comprehensive Plan. She said not only citizens were involved by council, city
6 boards & commissions, business people, city and county officials as well as the new media.

7
8 **MAYOR ITEMS:**

9
10 * Mayor Saunders congratulated the City Attorney, Council Members and Ms. Goddard for
11 helping with the Home Rule Application.

12
13 * Mayor Saunders said things were brought to his attention in executive session is not suppose to
14 be discussed in or with the public.

15
16 * Mayor Saunders announced the Dectron Unit at Four Seasons Pool has been installed and
17 running. Also, Mayor Saunders is trying to obtain more ramps and install a fence at the
18 skateboard park.

19
20 * Mayor Saunders welcomed City Manager Hess back and commended City Clerk Hewitt for
21 doing a great job as Acting City Manager.

22
23 **COMMITTEE REPORTS:**

24
25 **Discussion of Recommendations by the Traffic Committee.**

26
27 Meeting scheduled for Tuesday, June 10, 2014 at 5:00 p.m.

28
29 **Discussion of Recommendations by the Finance Committee.**

30
31 Meeting will follow the traffic meeting.

32
33 **Discussion of Recommendations by the Policy Committee.**

34
35 Meeting will follow the finance meeting.

36
37 **COUNCIL ITEMS:**

38
39 * **Simms** - Nothing at this time.

40
41 ***Wood** - Welcome back to City Manager Hess and thanks to City Clerk Hewitt for filling in as
42 Acting City Manager.

1 * Citizens seem to have a different definition of Home Rule. Home Rule does not authorize the
2 City to go into someone's house and make changes or take their home away from them. Mr.
3 Wood asked the City Manager to do a publicity campaign if the city is accepted into Home Rule
4 to explain Home Rule.

5
6 * Asked if city officials attended the Grand Opening of the new Moundsville Pharmacy building.
7 Manager Hess advised she didn't received the email until late.

8
9 * **Remke** - Nothing at this time.

10
11 * **DeWitt** - Welcomed the City Manager back and thanked City Clerk Hewitt for doing a good
12 job.

13
14 * Reported the intersection at 9th Street & Parriott Avenue needs repaired.

15
16 * Received complaint that gravel is needed at the top of Highland Avenue & Kudlak Drive.

17
18 * **P. Haynes** - Welcomed City Manager Hess back and thanked City Clerk for doing good job in
19 her absence.

20
21 * **D. Haynes** - Nothing at this time.

22
23 Councilperson D. Haynes moved to hold executive session for personnel matters, seconded by
24 Councilperson Wood. Motion carried unanimously.

25
26 Meeting recessed at 8:20 p.m.

27
28 Meeting reconvened at 8:25 p.m.

29
30 Executive session began at 8:25 p.m.

31
32 Executive session recessed at 8:45 p.m.

33
34 Regular session reconvened at 8:25 p.m.

35
36 Councilperson D. Haynes moved to adjourn, seconded by Councilperson P. Haynes. Motion
37 carried unanimously.

38
39 Meeting adjourned at 8:46 p.m.

40
41
42
43 _____
Sondra J. Hewitt, City Clerk

Eugene Saunders, Sr., Mayor

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JUNE 17, 2014**

The Council of the City of Moundsville met in regular session in the Council Chambers on June 17, 2014 at 7:00 p.m.

Meeting was called to order by Mayor Eugene Saunders.

Invocation by Councilperson Mark Simms.

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

MINUTES:

Regular Council Meeting of June 3, 2014.

Councilperson P. Haynes moved to accept and approve the minutes of the regular council meeting of June 3, 2014, seconded by Councilperson DeWitt. Motion carried unanimously.

GENERAL PUBLIC HEARING:

Tom Brown, Raze International - Fostoria Property.

* Carl Boso, 305 10th Street, said he has a problem with the Police Chief tagging his vehicles parked on 10th Street but does not tag a boat & trailer beside his house.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to an Increase to the Public Safety Fee. (Second Reading)

Attorney White read the following Public Safety 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 AND REENACTING SECTION 759.01 OF THE CITY CODE TO INCREASE THE PUBLIC SAFETY RATE (SECOND READING)

Councilperson Remke made a motion to approve the above ordinance, seconded by Councilperson Simms.

Mayor Saunders called for a voice vote. City Clerk announced the following tally. 7 yeas.

Motion carried unanimously.

**Discussion and Approval of an Ordinance Pertaining to an Increase to the Municipal Fee.
(Second Reading)**

Attorney White read the following Municipal Fee 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 AND REENACTING SECTION 760.01 OF THE CITY CODE TO INCREASE THE MUNICIPAL FEE RATE (SECOND READING)

Councilperson Remke made a motion to approve the above ordinance, seconded by Councilperson Wood.

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

**Discussion and Approval of an Ordinance Pertaining to an Increase to the Garbage Fee.
(Second Reading)**

Attorney White read the following Garbage Fee 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 SECTION 953.09 AND 953.10 OF THE CITY CODE TO PROVIDE FOR INCREASED FEES FOR GARBAGE COLLECTION (SECOND READING)

Councilperson Remke made a motion to approve the above ordinance, seconded by Councilperson Simms.

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

Other Items to be Discussed by Council.

* Councilperson D. Haynes asked for the status of the burned house at 121 Olive Avenue. Manager Hess reported the owners are dealing with the insurance company.

* Councilperson D. Haynes asked for the status of new garbage trucks. Street Commissioner Richmond said he was waiting on information for specs, but should be put out for bid by the end of the week.

* Councilperson Simms asked if the Dura Patcher was working at all? Street Commissioner

Richmond advised not very well, but he has no tank to hold & store the emulsion.

* Councilperson Wood asked for status of the stopped up ditch at the girls softball field. Manager Hess reported the Sanitary Board Superintendent is going to look at the problem.

* Councilperson Remke asked for update on 401 13th Street. Manager Hess reported the grass has been cut.

* Councilperson DeWitt asked for status of the 13th Street boat docks. Manager Hess reported placing a sign with DNR's phone number at the dock so residents can call them to make complaints.

NEW BUSINESS:

Discussion and Approval of 2013-2014 General Fund Budget Revision #2.

Councilperson Wood made a motion to approve the 2013-2014 General Fund Budget Revision #2, seconded by Councilperson Simms. Motion carried unanimously.

Discussion and Approval of 2013-2014 Coal Severance Fund Budget Revision #2.

Councilperson Remke made a motion to approve the 2013-2014 Coal Severance Budget Revision #2, seconded by Councilperson P. Haynes. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into Annual Loans for Lease Purchase of Certain Items of Equipment for the City of Moundsville.

Councilperson P. Haynes made a motion to approve the resolution for the lease purchase of certain items of equipment for the City of Moundsville, seconded by Councilperson DeWitt.

Mayor Saunders called for a voice vote. City Clerk announced the following tally 6 yeas, 1 nay. Remke voting nay. Motion carried.

Re-appointment to the Moundsville Water Board.

Councilperson Remke made a motion to re-appoint David Haynes to the Moundsville Water Board, seconded by Councilperson P. Haynes. Motion carried unanimously.

Re-appointment to the Moundsville Marshall County Library.

Councilperson Haynes made a motion to re-appoint David Dalzell to the Moundsville Marshall County Library Board, seconded by Councilperson Wood. Motion carried unanimously.

Councilperson Haynes then asked council to recognize Mr. Dalzell for his years of service to the

Moundsville Marshall County Library Board.

Other Items to be Discussed by Council.

- * Councilperson Simms reported pot holes on Kentucky Avenue & Kanawha Street.
- * Councilperson Simms asked what work is being done around the Jefferson Avenue Extension bridge? Manager Hess advised AEP is cutting trees to move the electric poles back for the bridge project.

MANAGER ITEMS:

- * Manager Hess advised Business After Hours is being held at Grand Vue on Thursday, June 19, 2014 from 5-7 pm. Anyone interested must contact Marilyn.

MAYOR ITEMS:

- * Mayor Saunders asked Attorney White what recourse the city has for the property at 202 Thorn Avenue where the owner died but people (not relatives) keep entering the property. Attorney White said he would have to research the ownership.
- * Mayor Saunders reported the house and trailer on Poplar Avenue will be demolished soon.
- * Mayor Saunders reminded council the ATV ordinance will be discussed at the Traffic Meeting.

Councilperson D. Haynes made a motion to have an executives session for real estate matters, seconded by Councilperson DeWitt. Motion carried unanimously.

Meeting recessed at 7:50 p.m. for Executive Session.

Executive Session began at 7:50 p.m.

Executive Session recessed at 8:06 p.m.

Regular Session reconvened at 8:07 p.m.

NEW BUSINESS:

Discussion and Approval of a Resolution of the City Council of the City of Moundsville, West Virginia, Approving and Authorizing the City Manager to Enter Into a Contract for the Purchase of Real Estate Located at 803 Brown Street.

Councilperson Simms made a motion to enter into a real estate purchase agreement and place a \$10,000 down payment for 803 Brown Street (Kittle Property), seconded by Councilperson P. Haynes.

Mayor Saunders called for a voice vote. City Clerk announced the following tally. 6 yeas, 1 nay. Remke voting nay. Motion carried.

Councilperson Simms made a motion to direct the City Attorney to draft an ordinance to re-establish a Building Commission, seconded by Councilperson P. Haynes.

Mayor Saunders called for a voice vote. City Clerk announced the following tally. 6 yeas, 1 nay. Remke voting nay. Motion carried.

COMMITTEE ITEMS:

Discussion of Recommendations by the Finance Committee.

1. Discussion of Request for Donation to Three Angels Tennyball Tournament. Committee recommends donate \$50 to the Three Angels Tennyball.

Councilperson Wood made a motion to donate \$50 to Three Angels Tennyball Tournament, seconded by Councilperson P. Haynes. Motion carried unanimously.

2. Discussion of Request for Donation to UMAC for Summer Concerts on Jefferson Avenue. Committee recommends donate \$50 to UMAC.

Councilperson Wood made motion to donate a one time amount of \$50 to UMAC for concert on Jefferson Avenue, seconded by Councilperson Simms. Motion carried unanimously.

Other Items to be Discussed by Council.

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

1. Public Hearing for the Comprehensive Plan
2. Zoning Appeals Board - 103 Spruce Street
3. Zone Change Ordinance - 11 Drummond Street
4. Public Safety Fee Ordinance Rate Increase
5. Municipal Fee Ordinance Rate Increase
6. Garbage Rate Ordinance Increase

Councilperson Simms made a motion to receive and file the legal ads, seconded by Councilperson P. Haynes. Motion carried unanimously.

COUNCIL ITEMS:

* **DeWitt** - Reported the drain needs raised on Jefferson Avenue Extension at the first small bridge going around the curve.

* **P. Haynes** - Reported houses at 53 or 59 Locust Avenue is a mess. Manager Hess said it was being addressed.

* Reported a 6 ft high fence in campground being illegal. Manager Hess said the fence was being addressed.

* Reported kids on roof at the Park View School. Chief Mitchell said the kids were caught and taken to their parents.

* **D. Haynes** - Asked if Mayor Saunders heard anything about Home Rule? Not at this time.

* **Remke** - Hopes everyone stops by the farmers market on Jefferson Avenue every Saturday from 9-1.

* **Wood** - Reported house on 1013 Morton Avenue is still in disarray. Weeds and grass need cut.

* **Simms** - Not at this time.

Councilperson Simms moved to adjourned, seconded by Councilperson P. Haynes. Motion carried unanimously.

Meeting adjourned at 8:26 p.m.

Sondra J. Hewitt, City Clerk

Eugene Saunders, Sr., Mayor