

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

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

6 ||
7 Meeting was called to order by Mayor Gene Saunders.

8
9 Invocation by Councilperson David Haynes.

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

15
16 **MINUTES:**

17
18 **Regular Council Meeting of July 15, 2014.**

19
20 Councilperson P. Haynes moved to accept and approve the minutes of the regular council
21 meeting of July 15, 2014, seconded by Councilperson Simms. Motion carried unanimously.
22

23 **GENERAL PUBLIC HEARING:**

24
25 * B J Schillaci, 713 Second Street, said he attended a council meeting on May 20 and assured
26 that Mr. Rickrode was not going to install a gate across the alley between Morton Avenue & the
27 Eagles parking lot. This alley has been opened for many years and maintained by the city. He
28 asked who authorized Mr. Rickrode to install the gate.
29

30 Attorney White commented that he provided an opinion to council stating from historical interest
31 of a 1924 deed the alley was established for "the use in common with the owners of all other
32 property adjoining thereon." The owner of the alley intended it to be used only by its adjacent
33 property owners, making the alley private and not open for public use.
34

35 Mr. Schillaci provided a petition from residents opposing the installation of the gate. He also
36 commented this act was unfair to the neighbors who used that alley all the time. Councilperson
37 Remke moved to receive and file the petition, seconded by Councilperson DeWitt. Motion
38 carried unanimously.
39

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

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

5
6 * Terry Phillips, 278 Jefferson Avenue, read an article provided by Councilperson Remke
7 concerning UMAC and business owners on Jefferson Avenue. He commented closing Jefferson
8 Avenue again was unfair to the business owners because they were unaware of the Sanitary
9 Board project.

10
11 * Teri King, Uniquely Yours, 305 Jefferson Avenue, commented the sidewalk repair done on
12 Jefferson Avenue is horrible, the colors of concrete do not match and somebody placed foot
13 prints in the sidewalk.

14
15 * Francis Tucker, 115 Morton Avenue, reported owning property on Morton Avenue for many,
16 many years and gating the alley on Morton is unfair to the surrounding property owners. He
17 stated this has been an alley for as long as he can remember.

18
19 * Theresa Gouldsberry, 264 Jefferson Avenue, commented that she and her granddaughter own
20 one of the properties that this gate was installed on. She also commented she was installing a
21 gate on another piece of her property to keep people from walking through to Jefferson Avenue
22 and littering on it.

23
24 * Mark Johnson, 109 Morton Avenue said he has lived in the same house since he was a child
25 and remembers the alley being used by all residents in that neighborhood. He thinks council and
26 the property owners who installed the gate should think of the elderly people who use that alley
27 to walk to Jefferson Avenue.

28
29 **OLD BUSINESS:**

30
31 **Other Items to be Discussed by Council.**

32
33 * Councilperson DeWitt asked if the City Manager received information from the state
34 concerning the intersection at 12th & Lafayette Avenue. Manager Hess reported she has not
35 received anything from the state.

36
37 * Councilperson Remke asked that an independent contractor survey the alley in question on
38 Morton Avenue. If the alley belongs to the city, Mr. Rickrode would have to pay for the removal
39 of the gate. If it is determined private, the city should pay for the survey.

40
41 * Councilperson Remke thanked the business owners for addressing council concerning closing
42 Jefferson Avenue.

1 * 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
3 issue the permit to install the gate? Attorney White noted the Building Inspector asked him if the
4 alley was private or not. Attorney White said that his research showed the alley was private, so
5 the Building Inspector would need to make sure the property complied with zoning. Mayor
6 Saunders feels there was a great injustice done to the people in this neighborhood.

7
8 * Councilperson Remke noted he will be out of town on Monday and unable to attend the Policy
9 Meeting. He wants to go on record that he is in favor of banning the ATV's unless they are being
10 used for snow removal.

11
12 * Councilperson Remke asked if the letters to Delegates & Senators were drafted inviting them to
13 a meeting to discuss First Street extending to Rt. 2. Manager Hess had not drafted them at this
14 time but will do so.

15
16 **NEW BUSINESS:**

17
18 **Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a**
19 **Contractual Agreement with the Division of Justice & Community Services (DJCS) to**
20 **Received and Administer Grant Funds from the Justice Assistance Grant (JAG) Program.**
21 **(Resource Officer at Moundville Middle School July 1, 2014 through June 30, 2015)**

22
23 Councilperson Remke moved to approve the resolution for the Resource Officer at Moundville
24 Middle School, seconded by Councilperson DeWitt. Motion carried unanimously.

25
26 **Discussion and Award of Bids Received for City Used Vehicles to A-1 Auto Parts, Wheeling**
27 **WV in the amount of \$1886.00.**

28
29 Councilperson Remke moved to award the bid for used vehicles to A-1 Auto Parts, seconded by
30 Councilperson DeWitt. Motion carried unanimously.

31
32 **Discussion to Change the Sub Committee Meetings from Tuesday, August 12 to Monday,**
33 **August 11, 2014.**

34
35 Councilperson P. Haynes moved to change the sub committee meetings to Tuesday, August 12,
36 2014, seconded by Councilperson DeWitt. Motion carried unanimously.

37
38 **Other Items to be Discussed by Council.**

39
40 * Councilperson D. Haynes asked why are all the "No Thru" traffic signs were going up and who
41 is authorizing the signs because the traffic committee has not done so? Street Commissioner
42 Richmond said he would check with his department.
43

1 Councilperson D. Haynes made a motion for this matter to be discussed at traffic committee,
2 seconded by Councilperson P. Haynes. Motion carried unanimously.
3

4 * Councilperson D. Haynes made a motion to discuss at the policy committee the possibility of
5 hiring Code Enforcement Officers, seconded by Councilperson Remke. Motion carried
6 unanimously.
7

8 * Councilperson Remke asked for updates on vacant buildings.
9

10 * Councilperson Remke made a motion to discuss at the traffic committee the removal of the
11 blinking school zone lights at the closed schools, seconded by Councilperson D. Haynes. Motion
12 carried unanimously.
13

14 **MANAGER ITEMS:**

15

16 **Approval to Authorize the City Manager to Enter Into an Engagement Letter with Steptoe** 17 **& Johnson to Perform as Bond Council at the Cost of \$13,500 for the Purchase of Property.** 18

19 Councilperson D. Haynes made a motion to authorize the City Manager to enter into an
20 engagement letter, seconded by Councilperson P. Haynes.
21

22 Mayor Saunders called for a voice vote. City Clerk announced the following tally. 4 yeas, 1 nay.
23 Remke voting nay. Motion carried.
24

25 **MAYOR ITEMS:**

26

27 * Mayor Saunders assured the audience that he has not given up on the decision presented by the
28 City Attorney. He will continue to research this matter until it is settled.
29

30 * Mayor Saunders reported receiving \$9,000 for the skateboard park from the Marshall County
31 Commission. This was greatly appreciated and should finish the park.
32

33 **COMMITTEE REPORTS:**

34

35 **Discussion of Recommendations by the Finance Committee.**

36

37 Meeting is scheduled for Monday, August 11, 2014 at 5:00 p.m.
38

39 **Discussion of Recommendations by the Policy Committee.**

40

41 Policy will follow the finance meeting.
42

43 **Discussion of Recommendations by the Traffic Committee.**

1 Traffic will follow the policy meeting.
2

3 **COUNCIL ITEMS:**
4

5 * **Remke** - Asked that Manager Hess look into the "Bond" by Rover Construction for the paving
6 of Jefferson Avenue.
7

8 * **D. Haynes** - Nothing at this time.
9

10 * **P. Haynes** - Nothing at this time.
11

12 * **DeWitt** - Glad to see Manager Hess back to work.
13

14 * Congratulations to the Skateboard park for funds received.
15

16 Councilperson DeWitt moved to adjourn, seconded by Councilperson P. Haynes. Motion carried
17 unanimously.
18

19 Meeting adjourned at 8:05 p.m.
20
21
22

23
24
25 _____
26 Sondra J. Hewitt, City Clerk
27

Eugene Saunders, Sr., Mayor

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **AUGUST 19, 2014**

3
4 The Council of the City of Moundsville met in regular session in the Council Chambers on
5 August 19, 2014 at 7:00 p.m.
6

7 Meeting was called to order by Mayor 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, Police Chief Mitchell, Asst. Fire Chief Walker, Street Commissioner Richmond,
14 Attorney Thomas White, CPA Kathryn Goddard and City Clerk Hewitt.
15

16 **MINUTES:**
17

18 **Regular Council Meeting of August 5, 2014.**
19

20 Councilperson D. Haynes made correction on page 3 line 35, should read, "Monday, August 11,
21 2014 not Tuesday, August 12, 2014". Councilperson D. Haynes moved to accept and approve
22 the minutes of the regular council meeting of August 5, 2014 as amended, seconded by
23 Councilperson Simms. Motion carried unanimously.
24

25 **GENERAL PUBLIC HEARING:**
26

27 * Jim Tomlinson, GAB, spoke to council on Fostoria Property reporting 85,000 yards of dirt has
28 been placed and compacted with about 20,000 to 25,000 to go with a 2 week turn frame, weather
29 permitting. He said they received a couple of dust complaints but that was all. Commended
30 Shallenberger Construction for all the work they have done trucking in and leveling all the fill
31 dirt. Mr. Tomlinson wished to thank the citizens in Moundsville for their support and patience,
32 Moundsville Council and the City Managers Office, Larry Bonar, Tim Minor of the Sanitary
33 Board, Joe Richmond, Terry Roberts, the Police Department for traffic control and Patrick Kirby
34 of the WV Northern Brownfields Assistant Center.
35

36 * Tom Brown, GAB, wants people to remember the Fostoria property is a Brownfields site.
37 Patrick Kirby and his staff are commended for the work they did to bring the property this far.
38

39 * Helen Tucker, 115 Morton Avenue, reported when traveling to her residence driving onto
40 Morton Avenue two cones that were in blocked off alley were in the middle of Morton Avenue.
41 She asked council if they were going to allow Mr. Rickrode to block Morton Avenue also. She
42 feels the residents in the area are being treated unfair allowing Mr. Rickrode to install a gate on
43 an alley.

1 * Ben Schillaci, 718 Second Street, said he was very upset the gate was placed across the alley.
2 He doesn't feel the residents are being represented very well by their council members. He
3 commented if Gouldsberry's and Rickrode's own six feet into the alley, every other resident in
4 Moundsville also owns six feet into the alleys.

5
6 Councilperson D. Haynes feels this incident of installing the gate was a land grab by Mr.
7 Rickrode and wants the city to make this right with the residents.

8
9 After a discussion to direct the City Attorney to file a declaratory judgement with the Circuit
10 Court of Marshall County, Councilperson Remke made a motion to send this matter to the Policy
11 Committee for further research, seconded by Councilperson P. Haynes. Motion carried
12 unanimously.

13
14 **OLD BUSINESS:**

15
16 **Other Items to be Discussed by Council.**

17
18 * Councilperson D. Haynes made a motion to discuss the ATV ordinance at the next policy
19 meeting, seconded by Councilperson Remke.

20
21 Mayor Saunders called for a voice vote. City Clerk announced the following tally. 6 yeas, 1 nay.
22 Simms voting nay. Motion carried.

23
24 * Councilperson Remke made a motion to discuss at the traffic meeting removing the yellow line
25 on Morton Avenue beside Rickrode property, stating this was never approved by council,
26 seconded by Councilperson P. Haynes. Motion carried unanimously.

27
28 **NEW BUSINESS:**

29
30 **Discussion and Approval of Award of Garbage Trucks Bid.**

31
32 Mayor Saunders announced bids were received for two garbage trucks from WV-Ohio Motor
33 Sales, Inc, Wheeling WV in the amount of \$393,272.00. Trade allowance at \$17,000 with
34 following stipulations/conditions: Offer firm until 02/17/2015; miles not to exceed 195,000;
35 hours not to exceed 15,000; must have current inspection sticker; all functions must be operable.
36 Reevaluation may lead to a lower trade allowance.

37
38 After some discussion of trade allowance and funding, Councilperson Remke moved to discuss
39 this further at the next regular meeting, seconded by Councilperson DeWitt. Motion carried
40 unanimously.

41
42 **Discussion and Approval of a Resolution Authorizing the Execution of a Certain**
43 **Application for a Grant Through the Community Participation Program in the Amount of**

1 **\$1,000 for Skateboard Park.**

2
3 Councilperson Simms moved to approve the grant resolution in the amount of \$1,000 for the
4 skateboard park, seconded by Councilperson Remke. Motion carried unanimously.
5

6 **Discussion and Approval of a Resolution Authorizing the Execution of a Certain**
7 **Application for a Grant Through the Community Participation Program in the Amount of**
8 **\$2,000 for Moundsville Baseball Association.**
9

10 Councilperson Wood made a motion to approve the grant resolution for Moundsville Baseball
11 Association in the amount of \$2,000, seconded by Councilperson DeWitt. Motion carried
12 unanimously.
13

14 **Other Items to be Discussed by Council.**
15

16 * Councilperson P. Haynes reported the canopy at the Park View Playground needs repaired and
17 basketball hoops need replaced.
18

19 * Councilperson D. Haynes reported attending the WVML Conference in Bridgeport WV with
20 Mayor Saunders, Councilperson P. Haynes and City Clerk Hewitt stating the conference was very
21 educational.
22

23 * Councilperson Simms spoke with residents in the area of Tomlinson Avenue between 10th &
24 11th Street who asked for some changes in the neighborhood. Some items include replace
25 batteries in flashing lights on 10th Street between Rt. 2 & Tomlinson Avenue; pedestrian
26 crosswalk painted at alley on 10th Street near the Pavilion.
27

28 * Councilperson Remke made a motion to discuss at the finance meeting purchasing camera's for
29 police officers, seconded by Councilperson D. Haynes. Motion carried unanimously.
30

31 * Councilperson Remke asked to attend a seminar at Marshall University along with 6 other
32 people October 7-9, 2014, fee is \$50 per person.
33

34 * Councilperson Remke asked permission to fly a POW flag at the City Building and on the pole
35 at the Moundsville/Glendale line.
36

37 * Councilperson Remke also asked that flyers be removed from telephone poles in town.
38

39 **MANAGER ITEMS:**
40

41 **Re-appointment to the Moundsville Zoning Appeals Board.**
42

43 Manager Hess announced Charles Rush asked to be re-appointed to the Moundsville Zoning

1 Appeals Board. Councilperson Wood moved to re-appoint Charles Rush, seconded by
2 Councilperson DeWitt. Motion carried unanimously.

3
4 **Other Items to be Discussed by City Manager.**

5
6 * Manager Hess advised council that she sent letters to Senators & Delegates inviting them to a
7 meeting requested by Councilperson Remke to extend First Street to Lafayette Avenue. Senator
8 Kessler was unable to attend as well as Delegate Ferro.

9
10 * Manager Hess announced Department of Highways informed her that Jefferson Avenue will be
11 closed on Thursday & Friday for milling. Monday, Tues, Wednesday & Thursday for paving.

12
13 * Business After Hours will be held on August 28, 2014, from 5-7 pm at Grand Vue Park Club
14 House hosted by Marshall County Commission & Peggy's Posey's.

15
16 * Thank You letter from the Youth Club of Marshall County for the City of Moundsville's
17 support.

18
19 **MAYOR ITEMS:**

20
21 * Mayor Saunders is waiting on a sketch to finish skateboard park.

22
23 * Mayor Saunders announced that Fire Chief Clarke is recovering from surgery.

24
25 * Mayor Saunders announced he will be attending a substance abuse seminar at the Robinson
26 Law Office.

27
28 * Mayor Saunders thanked CPA Kathryn Goddard and Attorney Tom White for presentations to
29 the Home Rule Board.

30
31 **COMMITTEE REPORTS:**

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

34
35 1. Discussion of Roadway Scales being advertised. Committee recommends to forward to
36 Council to advertise.

37
38 Councilperson Wood moved to advertise for sale the scales from the Police Department,
39 seconded by Councilperson Remke. Motion carried unanimously.

40
41 2. Discussion of Additional Donation to Marshall County Tourism Committee. Committee
42 recommends donating additional \$2,000.

1 Councilperson Wood moved to donate \$2,000 to the Marshall County Tourism, seconded by
2 Councilperson Remke. Motion carried unanimously.

3
4 **Discussion of Recommendations by the Policy Committee.**

5
6 1. Discussion of Pipeline Easement Option. Committee recommends forwarding to Council
7 for approval.

8
9 Attorney White explained the City Manager signed an option last year permitting Williams
10 Energy to install a pipeline on the city's property. Problems arose with surrounding property
11 owners that kept the pipeline from going through. Williams Energy is asking the city to resign
12 the agreement for two years.

13
14 Councilperson DeWitt moved to direct the City Manager to sign the agreement with Williams
15 Energy, seconded by Councilperson Wood. Motion carried unanimously.

16
17 **Discussion of Recommendations by the Traffic Committee.**

18
19 1. Discussion of Removal of Flashing Lights and Speed Limit Signs at Vacant Schools.
20 Committee recommends City Manager send letter requesting this to School Board.

21
22 **COUNCIL ITEMS:**

23
24 * **Simms** - Condolences to Tom Dobbs family on his passing.

25
26 * **Wood** - Condolences to Tom Dobbs family.

27
28 * Wishes for Chief Clarke a speedy recovery.

29
30 * Announced the Marshall County Commission moved forward with the Moundsville Power
31 Plant.

32
33 * **Remke** - Presented council members a copy of the Parade Magazine with an article on
34 rejuvenating small towns.

35
36 * Invites council to "Day with Heroes" on Jefferson Avenue.

37
38 * **D. Haynes** - Condolences to Tom Dobbs family.

39
40 * Speedy recovery to Noel Clarke.

41
42 * Reported a trailer on Mulberry Avenue & Meighen Avenue.

1 * **P. Haynes** - Requested battery be replaced in the flashing light at Oak Avenue Highland
2 Avenue.

3
4 * **DeWitt** - Condolences to Tom Dobbs family.

5
6 * Speedy recovery for Noel Clarke & Frank Stocklask.

7
8 * Commended the Building Inspectors for keeping up with the vacant buildings in town.

9
10 Councilperson DeWitt made a motion to adjourn, seconded by Councilperson Simms. Motion
11 carried unanimously.

12
13 Meeting adjourned at 8:36 p.m.

14
15
16
17
18 _____
Sondra J Hewitt, City Clerk

Gene Saunders, Sr., Mayor