

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF  
MOUNDSVILLE, APRIL 17, 2018**

The Council of the City of Moundsville met in regular session in the Council Chambers on April 17, 2018 at 7:00 p.m.

Meeting was called to order by Mayor Allen Hendershot.

Invocation was given by Mayor Allen Hendershot.

City Clerk Hewitt called the roll and the following Councilpersons were in attendance: DeWitt, Haynes, Hunt, Remke, Saunders, Wood and Mayor Hendershot. Also present were City Manager Hess, Police Chief Mitchell, Public Works Supervisor Wallace, Building Inspector Richmond, Acting Fire Chief Brandon, Parks & Recreation Director Coville, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

**MINUTES:**

**Regular Council Meeting of April 3, 2018.**

Councilperson DeWitt made a motion to accept and approve the minutes of the regular council meeting of April 3, 2018, seconded by Councilperson Remke. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\* Carl Boso, 305 10<sup>th</sup> Street, provided council with a letter from the Public Service Commission stating they (PSC) has no control over city business licenses. Mayor Hendershot said he made the mistake by telling Mr. Boso the wrong information. Mr. Boso said he has been attending council meetings for at least three months complaining about other towing companies doing business within the city limits of Moundsville and the city has failed to do anything.

\* Vincent Thornburg, 318 10<sup>th</sup> Street, said he has complained about junk, tires and building materials on the property located next to him to no avail. He reported the owner starts work on the house of another piece of property leaving a generator running then returns a couple of times to refuel the generator while working on a house at another location. Mr. Thornburg feels this is not fair to the neighbors.

Building Inspector Richmond said this is an ongoing problem. The owner will clean up the property when he receives a letter and then let the material accumulate again.

Manager Hess said that Mr. Grimm can be brought to court if the problem continues. Mayor Hendershot asked Manager Hess to insure the property is not being used as a salvage yard.

\* Allen Hall, representing his in-laws, Mike & Joy Lauter of 908 Sixth Street, said he that a complaint was discussed at the last council meeting concerning someone living in the camper located in the alley between 5<sup>th</sup> & 6<sup>th</sup> Street and Jefferson Avenue & Baker Avenue. Mr. Hall said nobody has been living in the camper, it is his in-laws, who store the camper in that alley. He went on to say the Lauter's and a couple residents have maintained that alley for years and are hoping the city will abandon it. Mr. Hall was told to see the City Clerk to obtain the proper paper work.

## **OLD BUSINESS:**

### **Other Items to be Discussed by Council.**

\* Councilperson Wood asked Chief Mitchell if he had heard back from McKinley & Associates concerning the quotes for the Police Department building? Chief Mitchell said he has not heard from anybody yet.

\* Councilperson Wood asked when paving will be put out for bid? Manager Hess reported City Engineer Tush has been on the Rt. 2 project but said he will submit the list to her next week.

\* Councilperson Hunt requested a correction in the finance sub committee minutes concerning the 2017-2018 Audit. She said there was an audit finding concerning the general fund computation of the financial statements.

\* Vice Mayor Remke asked if the Oil & Gas Company has made any more contact with Attorney White concerning landfill property? Attorney White said he submitted a counter offer but the representative has not responded as of this date.

\* Vice Mayor Remke asked Building Inspector Richmond if the sub contractor on the Rt.2 project has submitted his surety bond? Mr. Richmond reported they have.

\* Vice Mayor Remke asked Manager Hess if she was able to speak with Superintendent Bonar concerning water backing up into basements on Lockwood Avenue? Manager

Hess said they will be discussing the problem at their next meeting.

\* Vice Mayor Remke asked if UMAC is replacing the trees on Jefferson Avenue. Manager Hess said she was unable to speak with Mr. King as he has not returned her call.

\* Vice Mayor Remke said he requested the delinquent fee amount for uninhabitable structures. Building Inspector Richmond said Vice Mayor Remke requested that for the May sub committee meetings.

\* Councilperson Saunders asked for an update on the dectron unit. Parks & Recreation Director Coville reported the unit had arrived. Kurcera has removed the old unit and will be working on installing the new duct work.

### **NEW BUSINESS:**

#### **Discussion and Approval of Laying the Levy for the 2018-2019 General Fund Budget.**

Councilperson Hunt made a motion to lay the levy, seconded by Councilperson Saunders. Motion carried unanimously.

#### **Discussion of Changing the Sub Committee Meeting of Tuesday, May 8, 2018 to Wednesday, May 9, 2018 Due to the Primary Election.**

Vice Mayor Remke made a motion to change the subcommittee meeting from Tuesday, May 8 to Wednesday, May 9, seconded by Councilperson Wood. Motion carried unanimously.

#### **Other Items to be Discussed by Council.**

\* Councilperson Wood asked Parks & Recreation Director Coville, concerning the minutes of the Parks & Recreation Advisory Board, to summarize his plan where the Marshall County Swim Team is concerned. Director Coville said the city's expenses are not being covered at the rate the swim team is being charged. He said the team has cut back on some meets and swim practice. The possibility of increasing the fee can be brought up again at a later date.

\* Councilperson Wood affirmed the Moundsville Baseball Association will be taking care of the Beast of the East Tournament this year. Director Coville confirmed they would.

\* Councilperson Hunt commended Director Coville for monitoring the operations at Four Seasons Pool and for recognizing the abuse of pool passes for retirees and employees families. Recommendations to review the policy was discussed.

\* Councilperson Hunt asked if the owner of the Fostoria Property will be paying B&O Tax for rental of the property? She was informed that GAB will be paying for rental.

\* Vice Mayor Remke commended Director Coville on how great the pool looks. Vice Mayor Remke made a motion to discuss at the finance committee to provide the pool with \$30,000 for a new pump and heater, seconded by Councilperson Wood for discussion. After further discussion, City Manager Hess feels she will be able to purchase the heater and pump without waiting for the finance committee. Vice Mayor Remke rescinded his motion and Councilperson Wood rescinded his second.

\* Vice Mayor Remke made a motion to charge the Public Safety Fee to each individual camper within the city limits of Moundsville. Motion failed for lack of a second.

\* Vice Mayor Remke asked Building Inspector Richmond if the city received the total cost of the AEP project? Mr. Richmond said he is still addressing the project.

\* Vice Mayor Remke received reports that squatters are going into the apartment building behind Home Towne Florist. Chief Mitchell said he was not aware that the apartment complex was vacant.

\* Vice Mayor Remke also said the fire on Jefferson Avenue was investigated but did not have details. Mayor Hendershot asked Acting Fire Chief Brandon he was aware of any determination as to whether or not the fire was arson? Chief Brandon advised it was labeled as an unknown source.

\* Councilperson Haynes feels the Fostoria property is looking better since the fence was installed as well as the work they've done.

#### **MANAGER ITEMS:**

\* Acting Fire Chief Brandon introduced the newly hired Fire Fighter to council members. Carl Farley has transferred to the Moundsville Fire Department from the Moundsville Street Department. He announced the Fire Department is at full staff at this time.

\* Manager Hess was asked by council at a previous meeting to send a letter to WV Governor Jim Justice Office concerning the dilapidated former mound museum at the

south side of the mound. She was contacted by Mr. Randy Chamberlain, who had already notified the Governor's Office of the structure. The letter to Mr. Chamberlain stated the Division of Culture and History will begin the process of issuing a bid solicitation for the demolition of the former museum and develop a mitigation plan as well.

\* Manager Hess provided her report to council and discussed the highlights:

1. I received an update on the Fostoria bridge project from Perry Keller from DOH. The first step would be an agreement with the City that outlines the responsibilities and costs of a design study. If this study is done in house by the DOH, it will likely be at least one year before the study is initiated. DOH can use a consultant to perform this study but it would be less cost effective. The City would be responsible for 20% of the cost to do the study. Another agreement would need to be entered to move forward with the design and construction phases. Again, the City would be responsible for 20% of these costs. Then the project would be bid out with 20% of the cost assessed to the City. All this could take two years or more before construction actually begins.
2. Larry Bonar advised me that the Soil Conservation Office out of Morgantown will be performing work on Middle Grave Creek. This will involve removing trees, brush and debris and dredging gravel beds located in the channel. No time line for the work has been announced.
3. We are beginning to receive donations for Community Day.
4. Work on the employee policy book continues. All updates are not back yet.
5. The grant paperwork for the pool was submitted to the Land & Water Conservation Office.
6. Trailer on Baker Avenue has been removed.
7. Street Department truck was damaged by fire last week while on a job site.
8. An additional firefighter has been employed, which brings the total in the department to five.
9. Grant Avenue near Seventh Street is currently being checked to determine the reason for the sinking issue.
10. We still need Council's assistance in locating individuals to serve on the Zoning

Appeals Board as we are currently two members short.

11. Joe Richmond has e-mailed Shaye with the Better Buildings Program to schedule a meeting but have not had a response.

\* Manager Hess said she emailed council members concerning the quarterly 1% Municipal Sales Tax that was received in the amount of \$408,952.84.

\* She also announced the lights on Jefferson Avenue are working at this time.

\* Vice Mayor Remke made a motion to discuss at the finance meeting agreement to participate with the State of WV on the design of the Fostoria bridge, seconded by Councilperson Hunt. Motion carried unanimously.

Councilperson Haynes feels council should be able to expedite this process. Manager Hess will contact Mr. Keller.

\* Councilperson Haynes asked Attorney White, concerning the Zoning Appeals Board, if the city is permitted to have three members instead of five? Attorney White will research the state code.

### **MAYOR ITEMS:**

Mayor Hendershot reported the following to council:

\* Attended the regular Water Board meeting announcing the board is moving forward with their grant application for the First Street water line project in the amount of \$1.5 million. They have completed the 5G process of hiring engineers for the project.

\* Was interviewed by Mr. Peter Kratz from KLUV, a local radio station.

\* Attended the council sub committee meeting.

\* Announced the Governor has requested a 30 day extension before naming the “Opportunity Zone” communities. No decision has been made at this time. This is a tax incentive program to bring in private investors to the community.

\* A Mayor’s meeting has been scheduled for Wednesday, April 20 at 1:00 p.m. in the Council Chambers. Mr. Merrie from the Belmont Port Authority will be attending.

\* Thanked citizen, Randy Chamberlain, for contacting the Governor Office concerning the former museum structure which has become dilapidated. Mayor Hendershot said he was contacted by a member of Moundsville Historic Landmarks Commission and apologized for not contacting them concerning the structure.

## **COMMITTEE ITEMS:**

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

1. Discussion of Implementing a “Rainy Day” Fund from B&O Tax Generated from Road Projects and JM Stadium for Capital Improvements. Committee recommends implementing a “rainy day” account for all extra ordinary B&O Taxes generated from road projects and new construction in the City of Moundsville.

Vice Mayor Remke made a motion to implement a “rainy day” account for all extra ordinary B&O Tax, seconded by Councilperson Hunt. Motion carried unanimously.

2. Discussion of Request for Donation to Appalachian Outreach. Committee recommends donating \$50 to Appalachian Outreach.

Vice Mayor Remke made a motion to donate \$50 to Appalachian Outreach, seconded by Councilperson Saunders. Motion carried unanimously.

3. Discussion of Request for Donation to John Marshall Anniversary Committee. Committee recommends donating \$100 for a banner.

Vice Mayor Remke made a motion to purchase a 50<sup>th</sup> Anniversary banner in the amount of \$100, seconded by Councilperson DeWitt. Motion carried unanimously.

4. Discussion of Request for Donation to JMHS Basketball Boosters Golf Scramble. Committee recommends donating \$50 to JM Basketball Boosters.

Vice Mayor Remke made a motion to donate \$50 to JM Basketball Boosters, seconded by Councilperson Wood. Motion carried unanimously.

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

1. Discussion of Revising the Employee Policy Regulations Dealing with Longevity Pay and Removing the Cap. Committee recommends to direct the City Attorney to draft an ordinance.

Councilperson DeWitt a motion to direct Attorney White to draft an ordinance pertaining to longevity and removing the cap, seconded by Councilperson Wood. Motion carried unanimously.

2. Discussion of Amending Employee Regulations to Offer a \$2,000 Sign On Bonus for Newly Hired Police Officers. Committee recommends to direct the City Attorney to draft an ordinance.

Councilperson DeWitt made a motion to direct Attorney White to draft an ordinance offering a \$2,000 Sign On bonus to newly hired police officers to be paid back if the hiree leaves employment within 2 years, seconded by Vice Mayor Remke.

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

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

1. Discussion of Paving Estimate for Sam's Drive. Committee recommends accepting the paving estimate for Sam's Drive in the amount of \$7,200.00 and include it in the 2018 Paving Bids.

Councilperson Saunders made a motion to include paving Sam's Drive in the 2018 Paving Bid Specs for the amount of \$7,200.00, seconded by Councilperson Hunt. Motion carried unanimously.

### **COUNCIL ITEMS:**

\* **Haynes** - Reported the windows busted out of 1411 Center Street. He asked Building Inspector Richmond if the house was on the vacant building list? Inspector Richmond was not sure.

\* **Remke** - Reported the street lights on Jefferson Avenue are out again.

\* **DeWitt** - Asked what days Jefferson Avenue Extension will be closed? Manager Hess said Monday, Tuesday and Wednesday. However, it was not closed on Monday so closure will probably extend to Thursday.

\* Asked for an update of the house fire on 8<sup>th</sup> Street. Building Inspector Richmond said the owner received a letter from the Building Enforcement Agency in which they have 30 days to address the problem.



\* Asked if the Street Department truck that caught fire was a total loss? Manager Hess said they are waiting for the insurance adjuster to inspect it.

\* **Saunders** - Commended the Street Department for grating and graveling the alleys he reported.

\* Asked if the street sweeper was running? Public Works Supervisor Wallace said the sweeper is in the shop for repairs and they hope to get it back next week.

\* **Hunt** - Announced Appalachian Outreach is having their annual fund raiser at the Moundsville Training Center, she invited council members to attend.

\* Commended Manager Hess on her managers report.

\* **Wood** - Hopes the employees will continue with the Food Drive sponsored by FRN. Manager Hess said she announced the project at the Department Head meeting.

\* Vice Mayor Remke suggested that council bring can food item to the next regular council meeting to help with the program.

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

Meeting adjourned at 8:35 p.m.

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Sondra J. Hewitt, City Clerk

Allen Hendershot, Mayor