

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MARCH 15, 2016**

The Council of the City of Moundsville met in regular session in the Council Chambers on March 15, 2016 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: Vice Mayor DeWitt, D. Haynes, P. Haynes, Hendershot, Simms, Wood and Mayor Saunders. Also present: City Manager Deanna J. Hess, Fire Chief Clarke, Police Chief Mitchell, Street Commissioner Stocklask, CPA Kathryn Goddard, Attorney Thomas White, and City Clerk Hewitt.

Regular Council Meeting of March 1, 2016.

Councilperson D. Haynes made a motion to accept and approve the minutes of the regular council meeting of March 1, 2016, seconded by Councilperson Wood. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Cindy Norris, 2000 Fourth Street, told council she was the owner of the chickens that neighbors have complained about. She said her chickens are her pets. Officers have responded to complaints four times which have been unfounded. She also said the Sanitary Board had to dig up her yard to fix a line and was suppose to replace the top soil but never did.

Councilperson Hendershot asked how many chickens do they own? She reported 17.

Councilperson DeWitt asked if the coop was 25 feet away from every dwelling? She said yes.

Councilperson D. Haynes asked Chief Mitchell what the conditions were like at the residence when officer responded. Chief Mitchell said no citations were issued.

Councilperson Hendershot asked if they operate a business or website for sale of chickens? She replied no.

Councilperson Simms asked if there were two truck loads of manure removed from the back yard under the rabbit cages? She replied yes, she had someone remove the manure which she does every year. But said she has never seen any rats.

Councilperson D. Haynes asked how many rabbits do they have? Her reply was, 9 market rabbits. She also said she was having the cages removed and waiting for someone to pick them up.

Councilperson Simms said there were reports that they leave their back door open all day for animals to run in & out? She said they were on her deck but not in her house.

* Cassey Henry, 707 Myrtle Avenue, said he has had 6 chickens & possibly 10 peeps coming at the present time and has had chickens for 3 years but received no complaints about noise or smell. He said he feels the city should not ban the chickens but regulate the number of chickens and a clean coop.

* Dennis Phillips, 250 Curtis Avenue, said he has no problem with people having a couple of chickens but not an excessive number. He feels farm animals should be on the farm. He said he works shift work and does not like hearing the roosters crow when he is trying to sleep. He feels his property value has decreased because of this.

* Jennifer Riggle, 12 Locust Avenue, said she has 3 chickens and a coop that is 25 ft. from every dwelling. She said she keeps the coop clean and the neighbors do not complain. She feels council shouldn't ban chickens but control the number a person is allowed to keep.

* David Norris, 2000 Fourth Street, feels he is at a disadvantage because when driving up Curtis Avenue people can see into his yard, so where Mr. Phillips lives allows him to see directly into his yard. When summer arrives, people will not be able to see into his back yard. He said they put the roosters in the basement during the night. And yes they do leave the back door open for the dogs to run in & out. He said that Mr. Phillips has been working day shift so he doesn't understand how the roosters bother him.

* Dennis Phillips, 250 Curtis Avenue, said he works at Department of Highways and when paving starts, he will be working night shift. He forgot to mention that his dog killed a rat. He sees many possums & raccoons that are attracted by animal feed & animal dung.

* Karen Cline, 2004 Fourth Street, said she is two doors down from Norris's and does not have a problem setting on her back porch. She said there is no smell or noise and she has never seen any rats.

PUBLIC HEARING:

A Public Hearing on the 2016-2017 General Fund Budget.

Audience did not wish to speak on the 2016-2017 General Fund Budget. Mayor Saunders closed the public hearing.

OLD BUSINESS:

* Vice Mayor DeWitt asked Manager Hess if she was able to contact DOH concerning the three bridges council spoke about at the committee meetings? Manager Hess advised she had not made the call yet.

* Councilperson Simms said he noticed a couple houses being demolished. Manager Hess reported those houses were property of Wesbanco who had them demolished.

* Councilperson Wood said he met with representatives from Brownsfield who are offering a \$1,750.00 grant that can be used to market the former Fostoria property.

* Councilperson Hendershot said he attended a Planning Commission meeting concerning the Sanford Center's request for a zone change. The request was denied by the Planning Commission however, Building Inspector Richmond researched a solution to add a special exception to already designated zone. This recommendation will be on the next regular council meeting agenda.

NEW BUSINESS:

Resolution Authorizing the City of Moundsville to Enter Into a Pipeline Easement and Right of Way Agreement with Columbia Gas Transmission.

D. Haynes made a motion to authorize the City Manager to enter into an agreement with Columbia Gas Transmission, seconded by Councilperson P. Haynes. Motion carried unanimously.

Discussion and Approval of Bids for City Manager's Vehicle.

Manager Hess announced receiving bids from three dealers for a 2016 SUV. The bidders were Bob Robinson, Ohio Valley Ford and Auto Choice. The bid from Bob Robinson for a 2016 Chev Traverse was \$26,325.00 with a trade in for the 2008 Chevy Uplander.

Councilperson D. Haynes made a motion to authorize the City Manager to purchase the 2016 Chev Traverse from Bob Robinson in the amount of \$26,325.00, seconded by Councilperson Simms. 6 yeas, 1 nay. Wood voting nay. Motion carried.

Other Items to be Discussed by Council.

* Councilperson Wood asked for a copy of the survey of attendance at the Four Seasons Pool. City Manager will make sure Councilperson Wood has a copy.

* Councilperson D. Haynes made a motion to send to Policy Committee a request to increase the amount for bids from \$10,000 to \$25,000 due to increases in materials, seconded by Councilperson Simms. Motion carried unanimously.

CITY MANAGER ITEMS:

Appointment to the Moundsville Planning Commission.

Manager Hess received a letter from John Icard asking to be re-appointed to the Planning Commission. This will be a 3 year term and City Manager appointment. She will re-appoint Mr. Icard.

Other Items to be Discussed by Manager.

* Business After Hours will be held on March 24, 2016 from 5-7 pm. Sponsored by Marshall County Chamber of Commerce and hosted by the Strand Theatre & the Boy Scouts. Councilpersons wishing to attend may call Marilyn.

* Thanked council for allowing her to purchase a new vehicle.

* Manager Hess reminded Councilperson P. Haynes of the Annual Boy Scout Cake Bake that he usually attends to purchase cakes. The event is March 21, 2016.

MAYOR ITEMS:

* Mayor Saunders said he received a call asking about chickens & bee hives.

* Mayor Saunders said he was happy to see the house on Poplar Avenue was being tore down. He said the neighbor was going to buy the lot.

COMMITTEE REPORTS:

Discussion of Recommendations by the Finance Committee.

1. Presentation by WV Northern Panhandle Conservation Agency Concerning Middle

Grave Creek Channel Annual Sponsorship. Committee recommends to continue sponsorship with the WV Conservation.

Councilperson DeWitt made a motion to continue sponsorship with the WV Conservation, seconded by Councilperson Wood. Motion carried unanimously.

2. Discussion of Sponsorship of Mayor & Manager's Choice for 2016 Car Show. Committee recommends sponsoring \$30 for Mayor & \$30 for Manager's Choice at the 2016 Car Show.

Councilperson DeWitt made a motion to sponsor \$30 for Mayor's Choice and \$30 for Manager's Choice, seconded by Councilperson Hendershot. Motion carried unanimously.

3. Discussion of Proposed 2016-2017 General Fund Budget. Committee recommends to approve the 2016-2017 General Fund Budget. Committee also recommends approving the Health Insurance Coverage.

Councilperson DeWitt made a motion to approve the 2016-2017 General Fund Budget and Renewing the employee health insurance, seconded by Councilperson P. Haynes. Motion carried unanimously.

4. Discussion of Buildings on Sanitation Property. Committee recommends to move forward with buildings.

Councilperson DeWitt made a motion to move forward with the buildings on the Sanitation Property, seconded by Councilperson Simms. Motion carried unanimously.

Discussion of Recommendations by the Policy Committee.

1. Discussion of Proposed Agreement with Columbia Gas Pipeline. Committee recommends to authorize the City Manager to enter into an agreement with Columbia Gas.

This item was voted upon under new business.

2. Discussion of Proposed Ordinance Implementing 1% Sales Tax. Committee recommends to table until April to discuss further.

3. Discussion of Ordinance 505.11 Keeping Fowl. Committee recommends directing City Attorney to draft ordinance banning fowl (chickens).

Councilperson D. Haynes made a motion to direct the City Attorney to draft the ordinance, seconded by Councilperson P. Haynes. Motion failed.

Councilperson D. Haynes made a motion to send this back to Policy Committee, seconded by Councilperson DeWitt. Motion carried unanimously.

4. Discussion of Proposed Ordinance Dealing with Murals in the City. Committee recommends to direct the City Attorney to draft the murals ordinance.

Councilperson D. Haynes made a motion to direct the City Attorney draft the ordinance, seconded by Councilperson Simms. Motion carried unanimously.

5. Discussion of Goals. Committee recommends to continue with goals in 2016. Council member will provide a list of goals they wish to accomplish in 2016.

Discussion of Recommendations by the Traffic Committee.

1. Discussion of Paving Priority List. Committee recommends to engineer the following streets: Harmony, Spruce and Sugar Streets; Highland Avenue from Center Street to First Street; Ruby Street from Parriott Avenue to Garfield Street; and Eleventh Street from Jefferson Avenue to Weaver Avenue.

Councilperson Simms made a motion to have the above list of streets engineered for paving, seconded by Councilperson D. Haynes. Motion carried unanimously.

2. Discussion of Elm Avenue, Ash Avenue and Fostoria Avenue Bridges. Committee recommends City Manager to contact the state to ask if the city can replace them ourselves.

After some discussion, Councilperson Simms made a motion to send this back to the Traffic Committee, seconded by Councilperson Hendershot. Motion carried unanimously.

COUNCIL ITEMS:

* **Simms** - Thanked City Manager Hess, CPA Goddard and Department Heads for the 2016-2017 Budget. And said the employees do deserve a raise in this budget.

* Thanked Frank Stocklask for the information and plan on the Sanitation lot.

* **Wood** - Said he has been asked by Planning Commission members what constitutes a quorum? Attorney White will research.

* Announced Fire Chief Clarke did well with his surgery.

* Said the city needs be concerned not only for the three bridges that were discussed but for the Police Department building and 4 Seasons Pool.

* **Hendershot** - Wanted to thank the members on the city's board's & commission's who volunteer their time and services.

* **D. Haynes** - Asked that gravel to be placed in alley behind Attorney White's Office that runs north & south between Fifth & Sixth Street.

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

* **DeWitt** - Said she thinks the fowl ordinance should restrict roosters, no resale of chickens or eggs which is a business.

* Said she was pleased with the employee health insurance renewal.

* Also said she feels the employees should each receive \$1 per hour increase for raises.

* And asked that everyone keep Noel in their prayers, he had surgery earlier today.

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

Meeting adjourned at 8:10 p.m.

Sondra J. Hewitt, City Clerk

Eugene Saunders, Sr., Mayor