

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **OCTOBER 2, 2018**

3
4 The Council of the City of Moundsville met in regular session in the Council Chambers on
5 October 2, 2018 at 7:00 pm.

6
7 Meeting was called to order by Mayor Allen R Hendershot, who also provided an invocation.

8
9 Acting City Clerk Ankrom called the roll and the following Councilpersons were in attendance:
10 DeWitt, Hunt, Vice Mayor Remke, Saunders, Wood, and Mayor Hendershot. Absent was
11 Councilman Haynes. Also present were Interim City Manager Hewitt, Police Sergeant Milbert,
12 Fire Chief Brandon, Public Works Director Stocklask, Recreation Director Coville, Building
13 Inspector Wilson, CPA Goddard, Attorney White, and Acting Clerk Ankrom. Absent was Police
14 Chief Mitchell.

15
16 **MINUTES:**

17 **Regular Council Meeting of September 18, 2018**

18 Councilwoman Hunt made a motion to accept the September 18, 2018 minutes as presented.
19 Motion was seconded by Vice Mayor Remke and carried unanimously.

20
21 **GENERAL PUBLIC HEARING:**

22 **A) Sherry Henry** was not present to discuss library and food boxes.

23
24 Amy Toler of 27 Fostoria Avenue read a prepared statement expressing many reasons for her
25 opposition to the proposed campground at Fostoria and Walnut Avenues, behind the Moundsville
26 Volunteer Fire Department, which is on the route to Grand Vue Park.

27
28 Mike Skrzyneki of 32 Fostoria Avenue also spoke in opposition to the campground proposed by
29 the Moundsville VFD, which would not be a proper way to “beautify” Moundsville.

30
31 Linda Norris of 2309 1st Street expressed frustration over a neighbor’s tree, which has limbs
32 growing over onto her property, causing damage to her deck and pool. She does not feel that she
33 should be responsible for the expense of cutting branches that hang from a tree on someone else’s
34 property. Attorney White explained that this would be a civil trespass issue and no ordinances
35 currently exist to address such a matter.

36
37 Tom Doyel of 103 Cherokee Drive, as a representative of the Moundsville Cruisers Car Club,
38 asked if Council would consider permitting the Club to hold a 2019 car show at Riverfront Park,
39 in the area that held the old horseshoe court. Mr. Doyel was encouraged to work with Recreation
40 Director Coville to see if something can be worked out.

41
42 Sarah Wood of 114 Cypress Avenue, on behalf of Student Activities at West Virginia Northern
43 Community College, informed Council of upcoming events for Drug Awareness Month. A
44 community screening of the Documentary, “*Recovery Boys*,” to be followed by a Q&A session,
45 will be held October 15, 2018 at 6:00 PM at WVNCC’s B&O Auditorium. On October 16, 2018

1 at noon a Narcan Training will be free and open to the public.

2
3 Betty Kachalo of 31 Fostoria Avenue voiced opposition toward the prospective campground at
4 Fostoria and Walnut Avenues. Mrs. Kachalo appreciates that, when she votes for City Council
5 members, she can have confidence that they represent her interests. She reminded that pipeline
6 workers will eventually leave the area, and we should be concerned about what they might leave
7 behind. Mrs. Kachalo opined that none of the Council members would want to have a
8 campground next door to their homes.

9
10 H Carl Boso of 305 10th Street stated that Council members should be doing what their
11 constituents want, or they should resign. Mr. Boso asked again why Brad Varlas is being
12 permitted to keep a camper in his mobile home park. Inspector Richmond provided Council with
13 a report of that situation, and a copy will be provided to Mr. Boso.

14
15 No one else wished to address Council.

16
17 **OLD BUSINESS:**

18 **Other Items to be Discussed by Council**

19 *Councilwoman Dewitt asked about transportation services for senior citizens, and suggested
20 that, perhaps Council should look at putting another bus levy on the ballot. Interim Manager
21 Hewitt has information from the Senior Citizen Center that she will present at the October Policy
22 Committee meeting.

23
24 *Councilwoman Dewitt will be attending a recycling conference at the end of October, unless
25 another representative from Council would like to attend. She will bring back whatever
26 information she gleans from this training, which is being held at Stonewall Jackson resort.

27
28 *Councilwoman Hunt asked again about the tree on Jackson Street property. Interim Manager
29 Hewitt is still researching the property owner, as well as the responsible party for the hedges that
30 have been an issue.

31
32 *Councilwoman Hunt reviewed, for the benefit of the audience, how much is being spent on
33 2018 paving projects, some of which is coming from Municipal Sales Tax revenue.

34
35 *Vice Mayor Remke asked about computer hardware for the Clerk's Office. Interim Manager
36 Hewitt will bring this for discussion at the October Finance Committee meeting. Council has
37 already approved an expenditure of \$75,000.00, but an additional \$25,000.00 may be needed.

38
39 *Vice Mayor Remke wanted to vote on moving forward with paving bids; however, Interim
40 Manager Hewitt reminded that this item will be discussed in New Business.

41
42 *Councilman Saunders asked about progress on installing security cameras. Director Coville is
43 waiting on more information from Trevor Goode.

44
45 *Councilman Saunders asked about former City Manager Deanna J Hess, with whom Interim

1 Manager Hewitt has had minimal contact to this point, but she appears to be doing fine.

2
3 *Councilman Saunders asked whether Jason Drive is ready to pave. Interim Manager Hewitt
4 confirmed that Director Stocklask and Stormwater Superintendent Bonar have completed their
5 work, and Jason Drive is on the paving list.

6
7 *Councilman Wood commented on Business & Occupation Tax revenue. CPA Goddard
8 confirmed that the Capital Improvement Account does contain \$192,000.00 approximately.

9
10 *Councilman Wood asked how much revenue has been received from RV Park rentals. CPA
11 Goddard confirmed that, in July and August 2018, \$41,075.00 has been received. Councilman
12 Wood asked for revenue figures since the RV Park opened, and that information will be provided
13 at the Finance Committee meeting.

14
15 **NEW BUSINESS:**

16 **A) Discussion and Approval of an Ordinance Prohibiting the Drilling Into and Extraction**
17 **of Groundwater Within the Restricted Use Area (901 Lafayette Avenue) (First Reading)**

18
19 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
20 **VIRGINIA AMENDING AND RE-ENACTING SECTION 1381.21 OF THE MUNICIPAL**
21 **CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR RESTRICTED USE**
22 **AREAS IN THE CITY OF MOUNDSVILLE FOR THE PURPOSE OF PROHIBITING**
23 **THE DRILLING INTO AND THE EXTRACTION OF GROUNDWATER WITHIN THE**
24 **RESTRICTED USE AREAS (FIRST READING)**

25
26 Attorney White explained that this ordinance was submitted to the Environmental Engineering
27 Agency, who, in turn, forwarded it to the West Virginia Department of Environmental Protection
28 for review. No action is needed at this time.

29
30 **Discussion of Advertising for City Manager Position**

31 Council was provided with copies of the advertisement, as drafted by Vice Mayor Remke,
32 Councilwoman Hunt, and Councilman Saunders. An advertising budget of \$2,095.83 was set,
33 and the Committee has already investigated several advertising outlets. Resumes will be due
34 November 5, 2018, and the final three candidates will be presented at the December 4 Regular
35 Council meeting. Council can then appoint the new City Manager at their December 18 Regular
36 Meeting. Vice Mayor Remke read the job advertisement as drafted by the Committee.

37
38 Vice Mayor Remke made a motion to accept the advertisement and move forward with
39 publication. Motion was seconded by Councilwoman Hunt.

40
41 After several wording changes were suggested, Vice Mayor Remke amended his motion to
42 publish the ad as modified. Motion was seconded by Councilwoman Hunt and carried
43 unanimously.

44
45 **Discussion and Approval of Date and Time for Trick or Treat in the City of Moundsville**

1 Vice Mayor Remke made a motion to have Trick or Treat in the City of Moundsville on October
2 31, 2018 from 6:00 to 7:30 PM. Motion was seconded by Councilwoman Hunt and carried
3 unanimously.

4 5 **Discussion and Approval of Phase III Paving Specifications**

6 Interim Manager Hewitt read Engineer Tush's estimate of \$101,000.00 to pave the City Parking
7 Lot between Jefferson and Baker Avenues; Highland Avenue from Center Street to Route 250;
8 and Center Street from Thorn to Highland Avenues.

9
10 Vice Mayor Remke made a motion to accept the engineering estimate for Phase III paving
11 project, which was seconded by Councilman Wood. The spec books have been received, and
12 advertising can begin tomorrow. Bidders should agree to honor prices, should paving not begin
13 until next year.

14
15 Interim Manager Hewitt informed that Phase II paving should begin in late October 2018;
16 however, the entire project may not be completed until 2019. Prices are usually honored by Klug
17 Bros Inc, if the work is not completed in the same calendar year. Debate was held on accepting
18 paving bids as a package or by individual streets. This stipulation should be included in future
19 advertisements, as estimates may vary, if contracts are awarded based on individual street bids.

20 21 **Discussion of Prospective Grant Information**

22 There are three Infrastructure grants and one Financial Resources grant available, all of which
23 are due in May 2019. Council members were encouraged to review the grant details and be ready
24 to discuss them at the Committee meeting. Councilwoman Dewitt made a motion to discuss
25 these grants at the October Finance Committee meeting. Motion was seconded by Vice Mayor
26 Remke and carried unanimously.

27 28 **Discussion and Approval to Changing Regular Council Meeting from Tuesday, November** 29 **6, 2018 to Wednesday, November 7, 2018 Due to Election Day**

30 Vice Mayor Remke made a motion to move the Regular Council meeting from November 6 to
31 November 7, 2018 due to Election Day. Motion was seconded by Councilwoman Dewitt and
32 carried unanimously.

33 34 **Discussion and Approval of a Recommendation by the Moundsville Planning Commission** 35 **to Deny a Request by the Moundsville Volunteer Fire Department for a Zone Change to** 36 **Operate a Campground**

37 Attorney Rich Wilson, on behalf of the Moundsville Volunteer Fire Department, asked Council
38 to refer the zone change request back to the Planning Commission. There was confusion during
39 the voting, and Attorney Wilson would like the Planning Commission to consider additional
40 comments. Attorney Wilson explained the concessions that Volunteer Fire Department
41 representatives are willing to make, which include fencing requirements, and limiting the number
42 of visitors, and number of residents, allowed per site.

43
44 Campgrounds are not permitted "by right" in Mixed Use Districts, which is the current zoning
45 for the property at the intersection of Walnut and Fostoria Avenues. Attorney Wilson opined that

1 this opens the door to any number of business enterprises that could function on this property,
2 should the Volunteer Fire Department representatives decide to sell it.

3
4 Attorney White explained the option to permit a “Conditional Use,” which is preferable to a “spot
5 zone change,” which City Council was trying to avoid by creating an ordinance specifically
6 relating to campgrounds. Conditional Uses would apply to any property in the specified zoning
7 district. Inspector Wilson explained why his Department would prefer a “Special Exception” or
8 variance granted, which prevents future confusion and legal issues with the zoning map.

9
10 Councilman Saunders made a motion to refer the Moundsville Volunteer Fire Department’s zone
11 change request back to the Moundsville Planning Commission; motion was seconded by
12 Councilman Wood. After discussion, Councilman Saunders amended his motion to include
13 notification to concerned citizens, as if a new Public Hearing application had been applied for.
14 Councilman Wood then amended his second. Mayor Hendershot called for a roll call vote, to
15 which Acting Clerk Ankrom announced the following tally: 3 yeas, 3 nays; Councilwoman Hunt,
16 Vice Mayor Remke, and Mayor Hendershot voting nay. Motion dies.

17
18 Mayor Hendershot reminded that Volunteer Fire Department representatives were asked to put
19 fencing around the area where the porta jons are being stored, but they would not agree to do so.

20
21 Vice Mayor Remke then made a motion to accept the Planning Commission’s recommendation
22 to deny the zone change. Motion was seconded by Councilman Saunders. Mayor Hendershot
23 called for a roll call vote, to which Acting Clerk Ankrom announced the following tally: 4 yeas,
24 2 nays; Councilwoman Dewitt and Councilman Wood voting nay. Motion carries.

25
26 Mayor Hendershot asked for a five-minute recess at 8:40 PM; and meeting reconvened at 8:46
27 PM.

28
29 **Discussion and Approval of a Recommendation by the Moundsville Planning Commission**
30 **to Approve a Request from the Policy Committee to Permit Dwelling Units to be Located**
31 **on the Second and Third Floors**

32 Councilman Saunders made a motion to accept the Moundsville Planning Commission’s
33 recommendation to allow dwelling units on the second and third floors of businesses in the
34 Historic & Neighborhood Commercial District. Motion was seconded by Councilman Wood.
35 The Planning Commission struck subsection #2, which would have allowed dwelling units on
36 the first floor. Motion carried unanimously.

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

39 *Vice Mayor Remke made a motion to discuss, at the October Policy Committee, hiring a Code
40 Enforcement Officer. Motion was seconded by Councilman Wood for discussion. This Officer
41 would address property violations such as junk vehicles, trash, and other common nuisance
42 violations. Councilwoman Dewitt asked why we couldn’t designate an individual that is already
43 employed by the City; but it appears that Police Officers and the two Building Inspectors don’t
44 have the time to address all of these issues. Motion carried unanimously.

1 *Vice Mayor Remke made a motion to discuss, at the October Policy Committee, the Sanitation
2 Department. He would like to bring in a representative from Republic Services to compare costs
3 of privatizing garbage pickup. Motion dies for the lack of a second.

4
5 *Vice Mayor Remke wants to have A V Luttamus make a presentation on security camera
6 installation. Representatives should be meeting with Director Coville before coming to City
7 Council. Discussion was held on the riverfront walking trail, which is maintained by the Street
8 Department but owned by the County. No action was taken.

9
10 *Vice Mayor Remke presented a resolution, showing support of energy development in Marshall
11 County. He made a motion to discuss and sign the resolution at the October Policy Committee
12 meeting. Motion was seconded by Councilwoman Hunt and carried unanimously.

13
14 *Councilwoman Hunt would like to see City Manager candidates interviewed by the full body
15 of Council. Attorney White explained that a Special Council Meeting would be called, then a
16 motion made to enter Executive Session for Personnel Matters.

17
18 *Councilwoman Hunt noted the girls' softball complex sidewalk, as mentioned in Interim
19 Manager Hewitt's report. She would like for the Finance Committee to discuss using RV Park
20 revenue to improve the sidewalk next spring. Director Coville is getting estimates for this work.

21
22 *Councilwoman Hunt asked about the contract for the 2017-2018 Audit. The same firm that did
23 the 2016-2017 Audit was contracted for two years. CPA Goddard confirmed that financial
24 statement compilation is in progress.

25
26 *Councilwoman Dewitt asked who is responsible to check a fire hydrant in the yard at the corner
27 of Ruby Street and Garfield Avenue. The Moundsville Water Board should have someone check
28 for a leak.

29
30 *Councilwoman Dewitt does not want to see Moundsville's garbage service privatized. She has
31 received nothing but good comments about the City's Sanitation workers. Director Stocklask
32 has asked several times for the Sanitation Committee to resume oversight of the Department.
33 Vice Mayor Remke made a motion to advertise for the Sanitation Committee, which was
34 seconded by Councilman Wood. Councilman Saunders expressed interest in serving on this
35 Committee with Director Stocklask. Vice Mayor Remke then amended his motion to advertise
36 for two laypersons willing to serve on a newly-formed Sanitation Board. Councilman Wood then
37 amended his second. Attorney White will review to see if an ordinance already exists. Motion
38 carried animously. Advertising for new garbage trucks will go out this week; it was suggested
39 to ask for the cost of a single truck and two trucks, as there may be a discount for purchasing an
40 additional vehicle.

41
42 *Councilman Saunders would like to see Council again implement the Citizen Handbook, as was
43 utilized in the 1980s. It was suggested to wait, until after the November election, to make copies
44 available.

1 *Councilman Saunders mentioned a van that has been sitting in front of a residence on 6th Street.
2 Sergeant Milbert informed that, if the vehicle is properly registered, inspected and legally parked,
3 there is nothing that can be done.

4
5 *Councilman Saunders asked about the Sanford Center driveway. Mayor Hendershot informed
6 that work was done yesterday and today.

7
8 **CONSIDER MANAGER ITEMS:**

9 **Discussion of “Welcome to Moundsville” Sign**

10 Interim Manager Hewitt pointed out that the drawing, presented and approved at the last meeting,
11 had the Convention & Visitors’ Bureau logo on the flag. Director Stocklask drafted several other
12 renderings. It was suggested to print a star in Moundsville’s location on the West Virginia state
13 map. The Sign Shop can make the sign, but may need help cutting the metal into an oval shape.
14 Director Stocklask suggested placing the sign and poles in the location of the current sign, and
15 simply trim the existing trees and bushes; however, Council wants the sign to be visible for bridge
16 and Ohio River traffic.

17
18 **CONSIDER MAYOR ITEMS:**

19 Mayor Hendershot presented a request, from the West Virginia Municipal League, for support of
20 the Home Rule Program. The test cycle will end this year, but the Municipal League wants the
21 program to be available to all municipalities. Mayor Hendershot made a motion for the Policy
22 Committee to discuss and pass the Resolution, in support of the Home Rule Program, and send
23 it to the State Legislature. Motion was seconded by Vice Mayor Remke and carried unanimously.

24
25 Mayor Hendershot made a motion for the Policy Committee to pass the Resolution in support of
26 Faith Week, which will be the week of Thanksgiving. Motion was seconded by Vice Mayor
27 Remke and carried unanimously.

28
29 Mayor Hendershot made a motion to have a local auditing firm present their offer of services to
30 the Finance Committee. Motion was seconded by Councilwoman Hunt and carried unanimously.

31
32 Mayor Hendershot reminded Council that the Marshall County Chamber of Commerce’s Annual
33 Dinner will be held on October 4, 2018. The guest speaker is “Pittsburgh Dad.”

34
35 Vice Mayor Remke made a motion to receive and file legal ads, as presented by Attorney White:
36 September 25 Statement of Receipts, Disbursements, Balances
37 Motion was seconded by Councilwoman Hunt and carried unanimously.

38
39 **CONSIDER COMMITTEE REPORTS:**

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

41 The Traffic Committee will meet October 9, 2018 at 5:00 PM.

42
43 **Discussion of Recommendations by the Finance Committee.**

44 The Finance Committee will meet immediately following the Traffic Committee.

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

2 The Policy Committee will meet immediately following the Finance Committee.

3
4 **CONSIDER COUNCIL ITEMS**

5 ***Remke** – Commented on the paving patchwork on 6th Street, between Tomlinson Avenue and
6 Route 2. This area is scheduled to be paved.

7
8 *Noted that the Better Buildings Committee will meet again October 25, 2018 at 10:00 am. Five
9 of the ten talking points are currently being addressed.

10
11 *Pointed out the incorrect date listed in the heading of the Planning Commission's September
12 19, 2018 meeting minutes.

13
14 ***Hunt** – Informed of Appalachian Outreach's fundraiser to be held October 6, 2018 from 10:00
15 am until 3:00 PM.

16
17 ***Saunders** – Reminded that the Marshall County Chamber of Commerce's Annual Christmas
18 Parade will be held November 17, 2018 at 6:00 PM.

19
20 ***DeWitt** – Asked Interim Manager Hewitt to check with the State about another traffic study at
21 the 12th Street Bridge.

22
23 *Inquired whether Council was still interested in having a First Responder Dock. Interim
24 Manager Hewitt has been trying to reach EMA Director Tom Hart. Obviously, the boats couldn't
25 be left unsupervised with no surveillance cameras in the area.

26
27 *Encourage attendance at the Pumpkin Festival to be held at Riverfront Park on October 6, 2018.

28
29 Vice Mayor Remke made the motion to adjourn, which was seconded by Councilwoman Dewitt;
30 meeting adjourned at 9:36 PM.

31
32
33
34
35 _____
Karen L Ankrom, Acting City Clerk

Allen R Hendershot, Mayor