
AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AUTHORIZING THE CITY MANAGER TO SUBMIT AN ADDENDUM TO ITS MUNICIPAL HOME RULE APPLICATION TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA HEREBY ORDAINS:

(a) The City Manager is hereby authorized and requested to submit an addendum to its proposal to the West Virginia Home Rule Board to participate in the Pilot Home Rule Program Phase III, pursuant to *W.Va.Code* §8-1-5a. A true copy of said addendum being the Addendum to Application Plan of the City of Moundsville, is attached as an Exhibit hereto and is adopted by reference herein.

PASSED:



Karen L. Ankrom, Acting City Clerk

December 15, 2015

First Reading

January 5, 2016

Second Reading

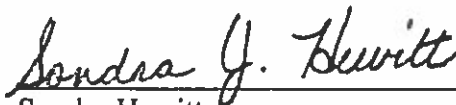
PUBLISH:

LEGAL NOTICE

TO ALL RESIDENTS, FIRMS AND CORPORATIONS OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA

Please take notice that the City of Moundsville, West Virginia, intends to submit an addendum to its application to participate in the WEST VIRGINIA MUNICIPAL HOME RULE PILOT PROGRAM, PHASE III, pursuant to the provisions of the *W.Va.Code* §8-1-5a. Said application requests permission for the City of Moundsville to be granted authority to broadly increase its governing powers as set forth in the said *W.Va.Code* provisions, and for the particular areas and items set forth in the City's said application. A copy of the addendum and original application is available for public inspection during open office hours at the Moundsville City Building, 800 Sixth Street, Moundsville, WV 26041.

The home rule application shall be subject to a public hearing on Tuesday, January, 5, 2016, at 7:00 p.m. at the Council Chambers, Moundsville City Building, 800 Sixth Street, Moundsville, West Virginia, and an ordinance authorizing the said addendum's submission to the West Virginia Municipal Home Rule Board shall be considered by Moundsville Council for adoption on that date and location after said public hearing. Any interested person may appear to be heard at said public hearing.



Sondra Hewitt
City Clerk

PUBLISH: November 25, 2015
December 2, 2015



(304) 845-2660
P.O. BOX 369
MOUNDSVILLE
WEST VIRGINIA
26041

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA,
COUNTY OF MARSHALL, to wit

I, Melanie S. Murdock being first duly sworn upon my oath, do depose and say:

- that I am Legal Advertising Manager of the MOUNDSVILLE DAILY ECHO, a Republican newspaper;
- that I have been duly authorized to execute this affidavit;
- that such newspaper has been published for over 119 years, is regularly published afternoons daily except Saturdays and Sundays, for at least fifty weeks during the calendar year, in the municipality of Moundsville, Marshall County, West Virginia.
- that such newspaper is a newspaper of "general circulation" as defined in Art. 3, Chap. 59 of the Code of West Virginia 1931 as amended, within Moundsville and Marshall County;
- that such newspaper averages in length four or more pages, exclusive of any cover, per issue;
- that such newspaper is circulated to the general public at a definite price or consideration;
- that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices;
- and that the annexed notice described as follows:

Legal Advertisement

PARTY(ies)

Home Rule Pilot Program - Phase III

NATURE (and agency if heard before one)

CERTIF-BILL TO

City of Moundsville
800 Sixth Street
Moundsville, WV 26041

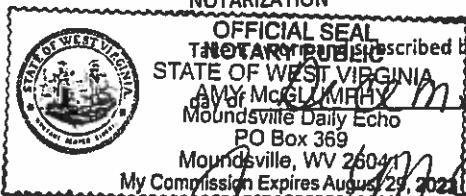
WAS PUBLISHED IN-SAID NEWSPAPER AS FOLLOWS

Times	Dates
2	RECEIVED DEC 08 2015 November 25, December 2, 2015

BY WORDS	PUBLICATION CHARGES
267	\$53.72

(signed) Melanie S. Murdock

NOTARIZATION



Subscribed before me this 3rd day of December 2015

Amy McCLUMPHY Notary Public

LEGAL ADVERTISEMENT

LEGAL NOTICE

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/s/ Sondra J. Hewitt

Sondra Hewitt

City Clerk

PUBLISH: November 25, December 2, 2015.

Thomas E. White
Attorney at Law

phone: (304) 845-7008
fax: (304) 845-7016

604 Sixth Street
Moundsville, WV 26041

e-mail: twhite@lawver.com

January 5, 2016

Municipal Home Rule Board
West Virginia Development Office
State Capitol Complex
Building 6, Room 553
Charleston, WV 25305-0311

CITY ATTORNEY OPINION LETTER
(Accompanying Addendum to Application Plan)

Re: City of Moundsville, West Virginia
Municipal Home Rule Pilot Program Application
Phase III

Members of the Board:

I am the city attorney for the City of Moundsville, West Virginia. I have reviewed various public records and documents provided to me by the City of Moundsville and I have examined the provisions of West Virginia Code §8-1-5a (the "Act"), concerning the West Virginia Municipal Home Rule Pilot Program, Phase II. I have been requested to render an opinion stating that the Application to be filed by the City of Moundsville complies with the requirements set forth in the Act.

As to questions of fact material to my opinion, I have relied upon the public records and documents provided to me by or on behalf of the City of Moundsville, without undertaking to verify the same by independent investigation. This opinion is rendered subject to the accuracy, completeness, and regularity of said public records and documents, the constitutionality of the legislation set forth in West Virginia Code §8-1-5a, and to any limitations provided by public policy or the exercise of judicial discretion in appropriate cases in regard thereto.

The City of Moundsville is a Class III municipal government. The City of Moundsville is submitting a West Virginia Municipal Home Rule Pilot Program Phase II Application pursuant to the Act. West Virginia Code §8-1-5a provides, in relevant part, as follows:

"(h) Prior to submitting its written plan to the board, the municipality shall:

- (1) Hold a public hearing on the written plan;
- (2) Provide notice at least thirty days prior to the public hearing by a Class II legal advertisement;
- (3) Make a copy of the written plan available for public inspection at least thirty days prior to the public hearing; and
- (4) After the public hearing, adopt a municipal ordinance authorizing the municipality to submit a written plan to the Municipal Home Rule Board after the proposed municipal ordinance has been read two times.”

A public hearing on the proposed **addendum** to the written plan was held by the City Council of the City of Moundsville on December 15, 2015, as shown by the copy of the Moundsville City Council Minutes, enclosed with said **Addendum** to the Application. The City of Moundsville provided at least thirty days’ notice of said public hearing by a Class II legal advertisement, as shown by the publisher’s Affidavit of Publication issued by the Moundsville Daily Echo, reflecting that said notice was published two times, a copy of which Affidavit of Publication is enclosed with said Application. A copy of the proposed written plan was available for public inspection at the Moundsville Municipal Building in the City of Moundsville during business hours for each business day for such period of thirty days following the first publication of said notice. After said public hearing, the City of Moundsville adopted a municipal ordinance authorizing the municipality to submit the written plan to the Municipal Home Rule Board after the proposed municipal ordinance was read two times, as set forth in the Ordinance adopted by the Council of the City of Moundsville on second and final reading on January 5, 2016, a copy of which document is enclosed with the said Application. Moreover, a copy of the Moundsville City Council Minutes, from the January 5, 2016 meeting wherein the said ordinance was finally adopted are enclosed with said Application.

As provided in West Virginia Code §8-1-5a(j), it is my opinion that none of the ordinances, acts, resolutions, rules, or regulations envisioned in order to implement any of the City’s Home Rule proposals would be contrary to (1) environmental law; (2) bidding on government construction and other contracts; (3) the Freedom of Information Act; (4) the Open Governmental Proceedings Act; (5) wages for construction of public improvements; (6) the provisions of *W.Va.Code* §8-1-5a; or (7) the City’s written plan.

As provided in West Virginia Code §8-1-5a(k), it is my opinion that none of the ordinances, acts, resolutions, rules, or regulations envisioned in order to implement any of the City’s Home Rule proposals would pertain to (1) the Constitutions of the United States or West Virginia; (2) Federal law, or crimes and punishment; (3) Chapters sixty-a, sixty-one and sixty-two of the West Virginia Code, or state crimes and punishment; (4) pensions or retirement plans; (5) annexation; (6) taxation (other than a sales tax proposed in compliance with *W.Va.Code* §8-1-5a(k)(6)); (7) tax increment financing; (8) extraction of natural resources; (9) persons or property outside the boundaries of the municipality: Provided, That this prohibition under the Municipal Home Rule Pilot Program does not affect a municipality’s powers outside its boundary lines


under other sections of the West Virginia Code or court decisions; (10) Marriage and divorce laws; (11) Restricting the carrying of a firearm, as that term is defined in section two, article seven, chapter sixty-one of this code: Provided, That, notwithstanding the provisions of *W.Va.Code* §8-1-5a(p), municipalities may regulate the carrying of a firearm in municipal buildings dedicated to government operations, other than parking buildings or garages: Provided, however, That on other municipal property, municipalities may regulate only those persons not licensed to carry a concealed firearm; and (12) An occupation tax, fee or assessment payable by a non- resident of a municipality.

Moreover, the City of Moundsville expressly agrees, pursuant to *W.Va.Code* §8-1-5a(p), to the requirements set forth in said subsection concerning regulation of firearms, ammunition and firearm accessories.

Additionally, pursuant *W.Va.Code* §8-1-5a(p)(3)(A), it is my opinion that none of the City of Moundsville's proposals restrict in any manner the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle or shotgun, or any other firearm, or any ammunition or ammunition components to be used therewith, or the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition, or, to restrict in any manner the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any other firearm accessory or accoutrement, under any order, ordinance or rule promulgated or enforced by the municipality. It is understood that said subsection may not be construed to prevent any law enforcement official with appropriate authority from enforcing any statute enacted by the state.

Based upon the foregoing, I am of the opinion, under existing law and as of the date hereof, that the West Virginia Municipal Home Rule Pilot Program Application of the City of Moundsville complies with statutory requirements as set forth in the Act.

Sincerely,



Thomas E. White

TEW:ms



MOUNDSVILLE, WEST VIRGINIA

CLERK'S OFFICE 304-845-3394
CITY MANAGER 304-845-6300
FIRE DEPT 304-845-2050
CLERK FAX 304-845-7130

CERTIFICATION

I, Karen L. Ankrom, Acting City Clerk of the City of Moundsville, West Virginia, do hereby certify that on January 5, 2016 at 7:00 P.M., a Public Hearing was held during the regular Council Meeting of Moundsville City Council, the subject of said hearing being the said City's application to participate in the Municipal Home Rule Pilot Phase III, and the ordinance authorizing submission of the same.

The attached are true, correct and complete copies of the pertinent pages of the Moundsville City Council Agenda and the Minutes of the Council Meeting, both evidencing the Public Hearing.

Witness, the signature of the undersigned Clerk of the City of Moundsville, West Virginia and the seal of the City of Moundsville, West Virginia, this 6th day of January, 2016.

Karen L. Ankrom
Acting City Clerk

(Seal)

**ADDENDUM
TO
APPLICATION PLAN
OF THE CITY OF MOUNDSVILLE
PILOT HOME RULE PROGRAM
PHASE III
NOVEMBER, 2015**

Re: More specific requested information with respect to the City's proposed projected sales tax revenues compared to proposed projected B & O tax reductions.

City of Moundsville
Addendum to Home Rule, Phase III

PROPOSED SALES TAX IMPLEMENTATION
AND
PROPOSED B&O TAX REDUCTION

With the imposition of a one-half percent ($\frac{1}{2}$ %) sales tax, the City should realize projected revenues of approximately \$280,759; Should the City instead impose a one percent 1% sales tax, the City should realize projected revenues of approximately \$719,085.

As required by West Virginia Code 8-1-5a(i)(14), in conjunction with the City's request for authority to impose the sales tax, the City is proposing to reduce the rate of its business and occupation tax under the retail sales classification from 38 cents per \$100 of gross income to 33 cents per \$100 of gross income which will result in a reduction in revenues of approximately \$146,785 per year. Additionally the City is proposing to reduce the business and occupation tax under the manufacturing classification from 30 cents per \$100 of gross income to 25 cents per \$100 of gross income which will result in an additional reduction in revenues of approximately \$10,781 per year.

Please see the following accompanying documents compiled by the City of Moundsville Finance Director:

1. PROJECTION OF ANNUAL SALES TAX REVENUES
2. CITY OF MOUNDSVILLE, HOME RULE COMMITTEE, .5 % SALES TAX SUMMARY
3. CITY OF MOUNDSVILLE, HOME RULE COMMITTEE, 1.0 % SALES TAX SUMMARY

Sept. 8, 2015

City of Moundsville
Home Rule Re-Application

PROJECTION OF ANNUAL SALES TAX REVENUES

	0.5%	1.0%
2014-2015 Gross Retail Sales	\$ <u>293,571,320</u>	\$ <u>293,571,320</u>
Proposed .5% and 1.0% Municipal Sales Tax Revenue	1,467,857	2,935,713
Less: Exemption for Sales Not Subject to Sale Tax	<u>(1,025,103)</u>	<u>(2,050,206)</u>
Estimated .5% and 1.0% Sales Tax Revenue	442,754	885,507
Less: Admin Fee at 1%	(4,428)	(8,855)
Less: Reduction in B&O Tax Rate	<u>(157,567)</u>	<u>(157,567)</u>
Estimated Net Increase to City Revenues	\$ <u><u>280,758</u></u>	\$ <u><u>719,085</u></u>

Intended Use of Increased Revenues:

Paving	20%	56,152	20%	143,818
Demolition	15%	42,114	15%	107,862
Parks & Recreation - Riverfront Development	25%	70,190	25%	179,771
Four Seasons Pool	<u>40%</u>	<u>112,303</u>	<u>40%</u>	<u>287,634</u>
	100%	<u><u>280,759</u></u>	100%	<u><u>719,085</u></u>

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **DECEMBER 15, 2015**

3
4 The Council of the City of Moundsville met in regular session in the Council Chambers on
5 December 15, 2015 at 7:00 p.m.

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

8
9 Invocation by Councilperson Allen Hendershot.

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

16
17 **Regular Council Meeting of December 1, 2015.**

18
19 Councilperson P. Haynes made a motion to accept and approve the minutes of the regular council
20 meeting of December 1, 2015, seconded by Councilperson DeWitt. Motion carried unanimously.

21
22 **Presentation of the House Decorating Contest Winners.**

23
24 Vice Mayor Saunders presented Diane O’Conner, 1611 Second Street, as the “Most Decorative”
25 winner. Not present was Michelle Whitecotton, 18 Hickory Avenue for “Most Original”.

26
27 **OLD BUSINESS:**

28
29 **Other Items to be Discussed by Council.**

30
31 * Councilperson DeWitt said she was very happy to see that Jefferson Avenue Extension was
32 now open.

33
34 * Councilperson P. Haynes said he was also happy the Extension was open.

35
36 * Councilperson Simms said he spoke to Mr. Blair who owns the house behind the Quaker State
37 of Lafayette Avenue. He said he was still having problems with the EPA and unable to rent that
38 property. Manager Hess informed council that Mr. Blair had received a 6 month extension on
39 that property but failed to provide proof the EPA is forbidding him use of the property.

40
41 **NEW BUSINESS:**

42
43 **Election of Mayor & Vice Mayor for 2016.**

1 Councilperson Simms nominated Gene Saunders as Mayor, seconded by Councilperson DeWitt.
2 Councilperson Simms moved to close nominations, seconded by Councilperson DeWitt. Motion
3 carried unanimously.

4
5 Vice Mayor Saunders called for a voice vote electing him as Mayor. Motion carried
6 unanimously.

7
8 Vice Mayor Saunders nominated Ginger DeWitt as Vice Mayor, seconded by Councilperson
9 Hendershot.

10
11 Councilperson P. Haynes nominated Allen Hendershot who declined the nomination.

12
13 Councilperson Simms moved to close nominations, seconded by Councilperson P. Haynes.
14 Motion carried unanimously.

15
16 Vice Mayor Saunders called for a voice vote electing Councilperson DeWitt as Vice Mayor.
17 Motion carried unanimously.

18
19 **Discussion and Approval of an Ordinance Concerning a Home Rule Application**
20 **Addendum. (First Reading)**

21
22 Attorney White read the following ordinance by title only to be passed by council on first
23 reading:

24
25 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
26 **VIRGINIA, AUTHORIZING THE CITY MANAGER TO SUBMIT AN ADDENDUM TO**
27 **ITS MUNICIPAL HOME RULE APPLICATION TO THE WEST VIRGINIA**
28 **MUNICIPAL HOME RULE BOARD (FIRST READING)**

29
30 Councilperson Simms made a motion to approve the Home Rule ordinance, seconded by
31 Councilperson DeWitt.

32
33 Vice Mayor Saunders called for a voice vote. City Clerk announced the following tally. 6 yeas.
34 Motion carried unanimously.

35
36 **Other Items to be Discussed by Council.**

37
38 * Councilperson Hendershot asked if there had been any updates on the Rt. 2 bridges. Manager
39 Hess advised there had not.

40
41 * Councilperson D. Haynes said it was nice to have good weather and commended Larry Clark
42 for the great job running the street sweeper.

1 * Councilperson DeWitt agreed with Councilperson D. Haynes on the street cleaning.
2

3 **MANAGER ITEMS:**

4
5 **Discussion of Quotes for 2016 Fireworks Display.**
6

7 Manager Hess said there were two quotes received for the 2016 Fireworks Display. Hamburg
8 Fireworks Display, \$9500 and Pyrotechnico, \$9500. Fire Chief Clarke compared the specs and
9 felt Pyrotechnico would be the better display.

10
11 Councilperson Hendershot made the motion to use Pyrotechnico for the 2016 Fireworks Display
12 and rain date of Friday, July 8, 2016 , seconded by Councilperson Simms. Motion carried
13 unanimously.
14

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

17 * Manager Hess announced McKinley & Associates will be at Four Seasons Pool on Monday,
18 December 21, 2015 at 1:00 p.m.

19
20 * Manager Hess was very happy the Jefferson Avenue Extension bridge was open.

21
22 * Manager Hess announced that Mayor Wood is home resting.
23

24 * Manager Hess congratulated Vice Mayor Saunders and Councilperson DeWitt for being elected
25 Mayor & Vice Mayor.
26

27 * Manager Hess reminded council members of the employee Christmas Luncheon on Friday,
28 December 18, 2015, 11:30 at the Street Department.
29

30 * Manager Hess wished everyone a Merry Christmas & Happy New Year.
31

32 **MAYOR ITEMS:**
33

34 * Vice Mayor Saunders thanked fellow council members for electing him as Mayor. He will
35 have big shoes to fill taking over for Mayor David Wood. He said he will continue what Mayor
36 Wood had started.
37

38 * Vice Mayor Saunders wished everyone a Merry Christmas & Happy New Year.
39

40 **COMMITTEE REPORTS:**
41

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

1 1. Discussion of Vehicle Purchase for City Manager. Committee recommends to take to Council
2 for a vote.

3
4 Vice Mayor Saunders made a motion to put City Manager vehicle out for bid, seconded by
5 Councilperson DeWitt. Motion carried unanimously.

6
7 2. Discussion of City's Participation With Utility Service Partners. Committee recommends to
8 take to Council for vote.

9
10 Vice Mayor Saunders made a motion to move forward with Utility Service Partners, seconded by
11 Councilperson DeWitt. Motion carried unanimously.

12
13 **Discussion of Recommendations by the Policy Committee.**

14
15 No recommendations at this time.

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

18
19 No recommendations at this time.

20
21 **COUNCIL ITEMS:**

22
23 * **Simms** - Thanked the Street Department for the work they have done on the streets.

24
25 * Thanked City Manager Hess for keeping harmony within all the departments. Things are
26 running smoothly.

27
28 * Wished everyone Happy Holidays.

29
30 * **Hendershot** - Would like to see the extended yellow line at 5th Street & Tomlinson Avenue left
31 as is for now. Traffic seems to be flowing good.

32
33 * Wished everyone a Merry Christmas & Happy New Year.

34
35 * Also very happy that Mayor David Wood is doing better and is home.

36
37 * **D. Haynes** - Congratulations to Gene Saunders & Ginger DeWitt as Mayor & Vice Mayor and
38 hopes they have a good year.

39
40 * **P. Haynes** - Nothing at this time.

41
42 * **Saunders** - Announced the Lions Club recognized Kevin Wallace, Noel Clarke, Crystal Blake,
43 Shawn Allman, Steve Kosek, Rob Wolfe and Gary Brannon for saving the live of a resident

1 when his mobile home fell on him.

2
3 Councilperson Hendershot made a motion to recognize those individuals at the next council
4 meeting, seconded by Councilperson DeWitt. Motion carried unanimously.


5
6 * **DeWitt** - Thanked every one for electing her Vice Mayor.

7
8 * Congratulations to Vice Mayor Saunders for his election to Mayor.

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

12
13 Meeting adjourned at 7:51 p.m.

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



Eugene Saunders, Sr., Vice Mayor

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF**
2 **MOUNDSVILLE, JANUARY 5, 2016**

3
4 The Council of the City of Moundsville met in regular session in the Council
5 Chambers on January 5, 2016 at 7:00 pm.

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

8
9 Mayor Saunders opened the meeting by welcoming back Councilman David
10 Wood and giving praises to God for Councilman Wood's miraculous
11 recovery!

12
13 Invocation was given by Councilman Allen Hendershot.

14
15 Acting City Clerk Ankrom called the roll and the following Councilpersons
16 were in attendance: Vice Mayor DeWitt, David Haynes, Paul Haynes,
17 Hendershot, Simms, Wood, and Mayor Saunders. Also present: City
18 Manager Hess, Police Chief Mitchell, Assistant Fire Chief Walker, Public
19 Works' Working Foreman Wallace, Building Inspector Richmond, CPA
20 Goddard, Attorney White and Acting Clerk Ankrom. Absent was City Clerk
21 Hewitt (sick).

22
23 **MINUTES:**

24 **Regular Council Meeting of December 15, 2015**

25 Vice Mayor DeWitt made the motion to accept the December 15, 2015
26 Regular Meeting minutes as presented. Councilman David Haynes
27 seconded the motion, which carried unanimously.

28
29 **Special Council Meeting of December 1, 2015**

30 Councilman David Haynes made the motion to accept the December 1,
31 2015 Special Meeting minutes as presented. Councilman Paul Haynes
32 seconded the motion, which carried unanimously.

33
34 **CONSIDER PUBLIC HEARING:**

35 **Public Hearing Concerning the Addendum to the Home Rule**
36 **Application**

37 Mayor Saunders opened the Public Hearing for comments on the Addendum
38 to the City of Moundsville's Home Rule Application.

39
40 * H Carl Boso Jr of 305 10th Street opined that the City of Moundsville does
41 not need Home Rule! Mr. Boso does not feel that the current City Council

1 can handle the authority that Home Rule would give them; and residents
2 on fixed incomes cannot afford additional taxes. Mr. Boso pointed out that
3 the City of Wheeling has not handled their Home Rule authority adequately,
4 and he does not feel that Moundsville will fare any better.

5
6 * James Stultz of 1216 6th Street wished City Council a Happy New Year
7 and agreed that it is good to see Councilman Wood back! Mr. Stultz is glad
8 that the Home Rule Application passed and thinks it is a necessity for
9 Moundsville due to the "archaic" tax structure of the State of West Virginia.
10 Mr. Stultz asked for confirmation that gasoline, food, and medicines will be
11 exempt from the sales tax, which they are, as well as utility services. Mr.
12 Stultz encouraged City Council to implement the 1% tax and apply those
13 funds to paving, demolition, and public service needs rather than devote
14 the majority to recreational projects.

15
16 Hearing no other comments, Mayor Saunders declared the Public Hearing
17 on the Addendum to the Home Rule Application closed.

18
19 **GENERAL PUBLIC HEARING:**
20 * H Carl Boso Jr of 305 10th Street asked why he was getting a garbage bill
21 for houses that are vacant? Manager Hess will look into this issue. Mr.
22 Boso also pointed out that AAA providers are coming from outside City
23 limits, performing services inside the City, without being licensed or paying
24 fees and taxes on the income they receive from AAA. Manager Hess will
25 look into the licensing requirements for these providers.

26
27 **OLD BUSINESS:**
28 **Discussion and Approval of an Ordinance Pertaining to Home rule**
29 **(Second Reading)**

30
31 Attorney White read the ordinance by title only:
32 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE,**
33 **WEST VIRGINIA, AUTHORIZING THE CITY MANAGER TO SUBMIT AN**
34 **ADDENDUM TO ITS MUNICIPAL HOME RULE APPLICATION TO THE**
35 **WEST VIRGINIA MUNICIPAL HOME RULE BOARD (SECOND READING)**

36
37 Councilperson David Haynes made the motion to approve the ordinance on
38 second reading, which was seconded by Councilman Paul Haynes. Mayor
39 Saunders called for a roll call vote, and Acting Clerk Ankrom announced the
40 following tally: 7 yeas. Motion carried unanimously.

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

2 * Vice Mayor DeWitt asked about progress on the Sewer Line Insurance?
3 Manager Hess and her Secretary are working on this.

4
5 * Vice Mayor DeWitt received an email about a workshop to be held in
6 Weirton on January 22, 2016 from 9:00 am until 4:00 PM. The workshop is
7 for rehabilitation of dilapidated buildings. There is a \$15.00 per person fee
8 to attend, and registration must be done online. It was suggested that the
9 Building Inspectors should also attend; and the City could pay the
10 registration fee for those Councilpeople wanting to attend.

11
12 * Vice Mayor DeWitt asked when the lines on 1st Street will be put back in
13 the original position? The WV State Road needs to take care of this.

14
15 * Councilman Paul Haynes asked for the Stop Sign at Park View Playground
16 to be put back where it should be. Foreman Wallace will look into this.

17
18 * Councilman Wood asked where we are with McKinley & Associates?
19 There will be a meeting this Friday with Recreation Director Baker and
20 Mayor Saunders. Council will be given copies of the completed feasibility
21 study; but they would also like to hear personally from a representative of
22 McKinley & Associates.

23
24 * Councilman Wood asked about the Better Buildings Program. Inspector
25 Richmond commented that progress did stall through the holidays, but he
26 will try to get things moving again.

27
28 * Councilman Wood would like to attend the WV Municipal League
29 Conference and will need to follow up with City Clerk Hewitt for
30 reservations.

31
32 **NEW BUSINESS:**

33 **Discussion & Approval of a Resolution Pertaining to a Scope Change**
34 **Order for Water Department Equipment Grant**

35
36 Councilman Hendershot made a motion to approve, for discussion, the
37 Resolution for a Scope Change on the Water Department Equipment Grant.
38 Motion was seconded by Vice Mayor DeWitt. Manager Hess and
39 Councilman David Haynes explained that the Water Department applied for
40 the \$10,000.00 Grant, to be used toward the purchase of a \$60,000.00
41 valve insertion machine. However, it has become apparent that the funds

1 would be better used toward the purchase of an emergency pump.
2 Therefore, City Council's approval is needed to change the "scope" of the
3 grant agreement. Motion carried unanimously.

4
5 **Discussion & Award of Bids for City Manager Vehicle**

6 Manager Hess is not ready to award the bid for a new vehicle, as she is still
7 looking at options.

8
9 **Other Items to be Discussed by Council**

10 * Councilman Wood asked about the 2016-2017 Budget. Department
11 Heads have the worksheets and work will soon begin.

12
13 * Councilman Wood asked about drafting of the Home Rule Ordinances,
14 which Attorney White has begun work on.

15
16 * Councilman Simms stated that he is glad to see Councilman Wood back,
17 as he works very hard on behalf of the City!

18
19 * Councilman David Haynes asked that a "No Thru Traffic" or "Dead End"
20 sign be posted on Parriott Avenue while sanitary line work continues.
21 Manager Hess will look into getting this done.

22
23 * Vice Mayor DeWitt confirmed that the City's Insurance Broker will attend
24 the Committee Meeting next week to discuss health insurance issues.

25
26 **MANAGER ITEMS:**

- 27 • Manager Hess welcomed back Councilman Wood!
- 28
- 29 • Manager Hess informed Council that Mayor Saunders and Attorney White
30 will attend the Home Rule Hearing in Charleston on January 11.
- 31
- 32 • Attorney White asked for a moment to present legal ads to be received
33 and filed:
 - 34 Sealed Bids for 1993 Durapatcher & Crafcro Crackseal Melter
 - 35 Home Rule Pilot Program Phase III Public Hearing
 - 36 Sealed Quotes for July 4 Fireworks Presentation
 - 37 Civil Action 15-M25C-00443
 - 38 Sealed Bids for 2016 Sports Utility Vehicle
- 39
- 40
- 41

1 **MAYOR ITEMS:**

- 2 • Mayor Saunders commented that he is glad to see Councilman Wood
3 back!
4
5 • Mayor Saunders verified that the list of 2016 Council Committee
6 Assignments were handed out.
7
8 • Mayor Saunders is optimistic about the Home Rule Plan implementation!
9
10 • Mayor Saunders is also hopeful that Council will have a good year in
11 2016!

12
13 **COMMITTEE REPORTS:**

14 **Discussion and Approval of Recommendations by the Finance Committee.**

15 The Finance Committee will meet January 12, 2016 beginning at 5:00 PM.
16

17 **Discussion and Approval of Recommendations by the Policy Committee.**

18 The Policy Committee will meet immediately following the Finance
19 Committee.
20

21 **Discussion and Approval of Recommendations by the Traffic Committee.**

22 The Traffic Committee will meet immediately following the Policy
23 Committee.
24

25 **COUNCIL ITEMS:**

26 * **Hendershot** – Expressed concern over the recent coal mine layoffs and
27 asked for prayers for the families affected.

28 * Is glad to see that the Water Department building was sold!

29 * Is hopeful that Council will effectively implement the Home Rule plan!

30 * Asked that Council go into Executive Session for Personnel matters.
31

32 * **Wood** – Is happy to be back and is so thankful for the overwhelming
33 support from Council and the entire Moundsville community!
34

35 * **Simms** – Had nothing at this time.
36

37 * **DeWitt** – Had nothing else at this time.
38

39 * **Paul Haynes** – Had nothing at this time.
40

41 * **David Haynes** – Asked about meters for 6th Street? Manager Hess will

1 discuss, with County Administrator Betsy Frohnapfel, the prospective
2 parking change around the County Courthouse, once the old jail is
3 demolished. The Traffic Committee will also be discussing this issue as
4 activities progress.

5 * Commented that the Stormwater Utility Board did a great job on Olive
6 Avenue and Jackson Street!

7
8 Councilman Hendershot made a motion to enter into Executive Session,
9 which was seconded by Vice Mayor DeWitt.

10
11 Regular Session ended at 7:35 PM.

12
13 Executive Session began at 7:40 PM.

14
15 Executive Session ended at 7:45 PM.

16
17 Regular Session reconvened at 7:46 PM.

18
19 Councilman Simms made the motion to reaffirm City Manager Deanna J
20 Hess. Motion was seconded by Councilman David Haynes and carried
21 unanimously.

22
23 Councilman Hendershot made the motion to adjourn, which was seconded
24 by Vice Mayor DeWitt. Meeting adjourned at 7:47 PM.

25
26
27

28 
29 _____
30 Karen L Ankrom, Acting City Clerk



Eugene Saunders, Mayor