

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
FEBRUARY 15, 2011**

The Council of the City of Moundsville met in regular session in the Council Chambers on February 15, 2011 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by City Manager Allen Hendershot.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, Haynes, Remke, Saunders, Simms, Wood and Mayor Wallace. Also present: City Manager Hendershot, Police Chief Kudlak, Asst. Fire Chief Walker, Building Inspector Schneider, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: Street Commissioner Richmond.

MINUTES:

Regular Council Meeting of February 1, 2011.

Councilperson DeWitt made a motion to accept and approve the minutes of the regular council meeting of February 1, 2011, seconded by Councilperson Wood. Motion carried unanimously.

GENERAL PUBLIC HEARING:

Presentation to Shelva Smith, Retired Police Officer, for Years of Service.

Mayor Wallace presented former Police Sgt. Shelva Smith with a plaque for 20 years of service and Police Chief Kudlak presented Shelva with his duty weapon.

* Richard Rickrode, 120 Morton Avenue, wanted to thank the city for fixing part of the street where flooding was being a problem he appreciates the help. Mr. Rickrode also commented he didn't think the Knights of Pythias building would be a good place to move the police department and hopes that council will do something about the residents that have junk piled on their porches and in their yards.

OLD BUSINESS:

Discussion and Approval to Acquire the Knights of Pythian Building.

Councilperson Wood moved to approve acquiring the Knights of Pythian building, seconded by Councilperson Saunders for discussion.

Councilperson Remke referred to the study from McKinley & Associates concerning repair of

the outside fire escape, liability for any accidents incurred by the Knights of Pythian members, repairs to the stair lift and termite damage. Mr. Remke asked if the Knights of Pythians building meets the city's building codes?

Councilperson Wood feels that the items mentioned by Councilperson Remke can be fixed. The City Building is overly crowded, looking at the Knights of Pythian building is only an option.

Mayor Wallace advised the motion was made to acquire the building, what to do with the building has not been established.

Police Chief Kudlak explained that the Police Department has outgrown the city building. As far as the report from the Inspector of Jezerinac, Geers & Associates, he was impressed with the building. Concerning the termites, the inspector found inactive termite mounds.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. DeWitt, Haynes, Saunders, Simms, Wood and Mayor Wallace. Remke voting nay. 6 yeas, 1 nay. Motion carried.

Other Business to be Discussed by Council.

* Councilperson DeWitt reported that TJ's Used Cars did not purchase 103 Jefferson Avenue, he purchased 100 Jefferson Avenue. The owner of 103 Jefferson does not wish to sell that property.

* Councilperson Remke previously asked council for a letter of support for a hotel in Moundsville. Mayor Wallace recommended asking the City Manager to draft a letter for council members to sign.

* Councilperson Remke asked if the city was going to repair the street in front of Mr. Rickrode's house? City Manager Hendershot advised that paving can not be done until Klug's is open.

* Councilperson Remke previously asked for security measures in the City Building for employees and council. Manager Hendershot said he gave Chief Kudlak a memo to look into the request, but with budget constraints the request would be expenses.

* Councilperson Remke asked for an update on the \$25,000 ADA Housing Grant. Manager Hendershot reported the grant money is not to be used for a handicapped ramp at the Knights of Pythian building. They are leaning more toward the curb cuts. Council has approved the "change of scope", it is now a matter of making the final determination of how the dollars will be spent.

* Councilperson Remke asked if the Police Department checked the basement door at 401 Jefferson Avenue. Chief Kudlak will pass on the information.

* Councilperson Remke asked for an update of the house at 102 Jefferson Avenue. Manager Hendershot made contact with the owner, who didn't feel that he was still the owner, was going to contact his attorney then contact Manager Hendershot.

* Councilperson Remke asked if there had been anymore activity at 242 Jefferson Avenue involving the Building Inspector. Manager Hendershot asked the Building Inspector to follow up and check on the concerns about the chimney but has received no report.

* Councilperson Simms inquired about the Rental House Inspection Ordinance and asked that council bring this ordinance back to Policy Committee for discussion.

* Councilperson Saunders asked Mayor Wallace if the members of the Moundsville Revitalization Committee were selected by council or just appointed at random. Mayor Wallace said the members were selected by Chairperson Remke. Councilperson Saunders was under the impression that committee members should submit a letter of intent to council. Manager Hendershot explained that boards and commissions submit letters, but sub committee are formed by the Mayor.

Mayor Wallace is very pleased with the members appointed by Councilperson Remke.

NEW BUSINESS:

Discussion and Approval of a Resolution for the Water Board Community Partnership Grant.

Manager Hendershot explained the purpose of the application is to secure funds for the purchase of a valve insertion machine. The fund for the Water Board are needed to reduce the cost associated with boil orders, unaccounted water and lastly the machine improves trench and employee safety. The City of Moundsville will provide matching funds in the amount of \$5200 toward the project.

Councilperson Simms made a motion to authorize the City Manager to submit the application, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of a Rate Increase Ordinance Pertaining to Sewer Revenue Bonds, Series 2011A. (First Reading)

Attorney White read the following rate increase ordinance by title only to be passed by council on first reading:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDVILLE,
PROVIDING FOR THE ISSUANCE OF ITS SEWER REVENUE BONDS, SERIES 2011
A. THE PROCEEDS OF THE BONDS WILL BE USED (I) TO PAY THE COSTS OF
ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS**

AND IMPROVEMENTS TO THE PUBLIC SEWERAGE SYSTEM OF THE ISSUER AND (ii) TO PAY CERTAIN COSTS OF ISSUANCE OF THE BONDS AND RELATED COSTS. THE BONDS ARE PAYABLE SOLELY FROM REVENUES TO BE DERIVED FROM THE OWNERSHIP AND OPERATION OF THE SYSTEM OF THE CITY. (FIRST READING)

Councilperson Wood made a motion to accept and approve the rate increase ordinance, seconded by Councilperson Remke.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Haynes, Remke, Saunders, Simms, Wood, Mayor Wallace and DeWitt. 7 yeas. Motion carried unanimously.

Appointment to the Moundsville Zoning Appeals Board. (Council's Appointment)

There are three vacancies on the Zoning Appeals Board and three applications received for the board.

Councilperson Simms made a motion to appoint Carl Boso, Jr., Robert Bear Mobley and Rick Young to the Moundsville Zoning Appeals Board, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion and Approval to Award the Bids for Window/Door Replacement & HVAC Upgrade.

Bids received on January 28, 2011 for the Window Replacement Project:

Replacement Window Company	\$20,456.00
Molly Joe Inc	\$26,900.00
Cattrell	\$24,500.00

Councilperson DeWitt moved to award the low bid to Replacement Windows in the amount of \$20,456.00, seconded by Councilperson Saunders. Motion carried unanimously.

Bids received on January 28, 2011 for HVAC Upgrade Project:

HE Neumann	\$25,992.00
Kucera Heating	\$33,900.00
Johnson Boiler	\$29,950.00
Cattrell	\$48,000.00

Councilperson DeWitt moved to award the low bid to HE Neumann in the amount of \$25,992.00, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City of Moundsville to Enter Into a Contractual Agreement with Commercial Insurance for Renewal of Liability Coverage for 2011-2012.

Councilperson Wood made a motion to authorize the City of Moundsville to enter into a contractual agreement with Commercial Insurance for renewal of liability coverage for 2011-2012, seconded by Councilperson DeWitt.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Remke, Saunders, Simms, Wood, Mayor Wallace, DeWitt and Haynes. 7 yeas. Motion carried unanimously.

Discussion of Request from Congressman McKinley.

Manager Hendershot reported that council received a letter from Congressman McKinley asking for items that council felt was their top three priorities that they would like him to pursue at the federal level. There was some discussion that council would bring their recommendations to a committee meeting. Council decided to bring the recommendations to the Policy Committee.

Councilperson Remke noted that he was going to Washington DC and would be happy to give the recommendations to Congressman McKinley in person.

Other Items to be Discussed by Council.

* Councilperson DeWitt reported the “No Turn on Red” sign was removed from the intersection at Third Street & Jefferson Avenue, but the crosswalk signs still remain. Manager Hendershot noted that right on red does not take away a driver’s responsibility to enter the intersection safely and a pedestrian in the crosswalk has the right of way.

Manager Hendershot said further discussion can be held at the Traffic Committee meeting.

* Councilperson Remke asked who are the members on the Building Enforcement Agency. Councilperson Simms replied the Building Inspector, Jeff Yeater, Fire Chief Clarke, a member of the Health Department and Mayor.

Referring to City Code 1103.02(a), Councilperson Remke reported the house located behind the Salvation Army meets a lot of this criteria as do several other residences in Moundsville.

* Councilperson Remke asked if the Carpet Barn building window has been repaired? Manager Hendershot directed a work order.

* Councilperson Remke announced that the newly formed Moundsville Revitalization Committee met to greet each other.

MANAGER ITEMS:

Update of Fostoria Project.

Manager Hendershot made council aware that the Marshall County Commission has authorized a \$20,000 grant for continued demolition of the Fostoria Project. Removal of the stacks will start on February 10, 2011, hoping to be complete by February 18, 2011.

MAYOR ITEMS:

* Mayor Wallace announced the Moundsville Water Board Attorney for the rate increase will be present at the March 8, 2011 finance meeting for those who have questions on the ordinance.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Finance Committee did not have a quorum present. Items were presented to council for a vote under new business.

Discussion and Approval of Recommendations by the Traffic Committee.

Traffic Committee did not have a quorum present.

Councilperson Simms asked for a request for handicapped parking in front of the Polka Dot Café be placed on the next agenda.

Discussion and Approval of Recommendations by the Policy Committee.

Policy Committee did not have a quorum present.

COUNCIL ITEMS:

* **Simms** - Moved to have a Special Council Meeting on Tuesday, February 22, 2011 for the City Manager to present the 2011-2012 General Fund Budget and Budget Message, seconded by Councilperson Haynes. Motion carried unanimously.

* **Wood** - Asked for an update on the Blake Addition water run off problem. Manager Hendershot reported the Stormwater Management Board is taking on the project. The Marshall County Commission shared the expense for a study on that area. This is one of the Stormwater Board's early spring projects.

* Asked updated photos of council members.

* **Remke** - Thanked Mayor Wallace for his vote of confidence of him as the chair of the Moundsville Revitalization Board.

* **DeWitt** - Asked if the street department removed sidewalks. Manager Hendershot reported they did, but building inspectors must fill out a permit.

* **Saunders** - Nothing at this time.

* **Haynes** - Reported the street light on Jefferson Avenue by Auto Choice needs to globe replaced. Manager Hendershot reported that light needs electrical repairs.

Mayor Wallace made a motion to recess for 5 minutes following an executive session for personnel matters, seconded by Councilperson Saunders. Motion carried unanimously.

Meeting recessed at 8:14 p.m.

Meeting reconvened at 8:20 p.m.

Executive Session began at 8:20 p.m.

Executive Session recessed at 8:40 p.m.

Regular Session reconvened at 8:40 p.m.

Councilperson Saunders made a motion to adjourn, seconded by Councilperson Remke. Motion carried unanimously.

Meeting adjourned at 8:41 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor