

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JUNE 3, 2008**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on June 3, 2008 at 7:00 p.m.

Meeting was called to order by Mayor Wayne Lemasters.

Invocation by City Manager Hendershot.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: Haynes, James, Simms, Wallace, Wood and Mayor Lemasters. Absent: Cunningham (sick). Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Wise, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of May 20, 2008.

Councilperson Simms made a motion to accept and approve the minutes of the regular council meeting of May 20, 2008, seconded by Councilperson Haynes. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Brad Varlas, representing the Moundsville Volunteer Fire Department, was on hand to answer any questions that council may have concerning the contract.

* David White, 406 Clinton Avenue, questioned the resolution on the lease-purchase & loans of the city. Mr. White questioned the progress of the Fostoria project. Manager Hendershot advised a new contract is pending signature but there are still issues with the abatement. Mr. White asked why Sheetz was going to build on Lafayette Avenue. Manager Hendershot advised that we were not aware of a Sheetz but the retail store has decided against building in Moundsville at this time.

* Tom Parker, 222 Pine Avenue reported neighborhood cats ruining his flower beds. Mr. Parker reported speaking with the Animal Control who said they did not handle cats nor did they allow live trapping of cats. Mr. Parker asked what his options were.

Chief Kudlak was not aware of Animal Control refusing to pick up cats. The City ordinance does not permit killing or trapping of any kind of animal in the city. Manager Hendershot advised that Chief Kudlak will speak with Animal Control about the situation.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Nuisance in the City of Moundsville. (Second Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING ARTICLE 1105 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE RE-ADOPTION, WITH AMENDMENTS, OF PUBLIC NUISANCE, NUISANCE ABATEMENT AND DEMOLITION ORDINANCE. (SECOND READING)

Councilperson Wood made a motion to accept and approve the nuisance ordinance, seconded by Councilperson Wallace.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally 6 yeas. Motion carried unanimously.

NEW BUSINESS:

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a Contractual Agreement with the Moundsville Volunteer Fire Department for the Fiscal Year of 2008-2009.

Councilperson Wood made a motion to authorize that City Manager to Enter Into a Contractual Agreement with Moundsville VFD, seconded by Councilperson James.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 yeas, 1 nay. Haynes voting nay. Motion carried.

Discussion and Approval of a Resolution Authorizing the City of Moundsville to Enter Into Annual Loans for Lease-Purchase of Certain Items of Equipment for the City of Moundsville.

Councilperson Simms made a motion to authorize the City of Moundsville to enter into annual loans for lease purchase of certain of equipment, seconded by Councilperson Lemasters.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 6 yeas. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a Contractual Agreement between the West Virginia Development Office and the City of Moundsville to Replace the Roof of the Former Moundsville Prison in the Amount of

\$43,250.

Councilperson Wood made a motion to authorize the City Manager to enter into a contractual agreement with the West Virginia Development Office for roof replacement at the former prison in the amount of \$43,250, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City Manager to Submit a Certain Grant Application to the West Virginia Development Office for Roof Repair in the Amount of \$21,625.

Councilperson Wood made a motion to submit grant application to the WV Development Office for roof repair at the former Moundsville prison, seconded by Councilperson Simms. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Haynes read a letter from an upset citizen who called about renting the Riverfront Park.

Councilperson Simms made a motion to receive and file the letter, seconded by Councilperson James. Motion carried unanimously.

MANAGER ITEMS:

Central Michigan Exploration Company and City of Moundsville Landfill.

Manager Hendershot was contracted by Central Michigan Exploration Company who has an interest in placing gas wells on the city's landfill. The company will pay \$65 per acre for the original lease and could generate approximately \$2,000 per month. Manager Hendershot has asked council to place this item on the Policy Committee agenda. Motion by Councilperson Simms and seconded by Councilperson Haynes to place this item on the agenda.

Annual Antique Car Show.

Manager Hendershot reminded council and citizens of the Annual Antique Car Show on Jefferson Avenue Friday, June 6, 2008 from 5:00-9:00 p.m.

Police Civil Service Commission Vacancy. (Chamber of Commerce Appointment)

The Chamber of Commerce has submitted a letter to re-appoint Eugene Saunders to the Police Civil Service Commission. Mr. Saunders filled the unexpired term of Don Hill.

Councilperson Wood made a motion to receive and file the letter, seconded by Mayor Lemasters. Motion carried unanimously.

Update on Landfill Bridge.

DEP is paying to have re-decking applied to the landfill bridge, which will start in June. Hopefully, the deck will be lowered reducing flooding and ice jams.

12th Street Sidewalk Project.

The City of Moundsville has received local approve from DOH which will be forwarded to DOH in Charleston. Handicapped parking has also been approved for Jefferson Avenue, Court Avenue and Seventh Street. The parking spaces will be wider than usual.

Paving List.

Manager Hendershot hopes to have the cost estimate from Schellhase for the street paving before the Traffic Meeting.

MAYOR ITEMS:

* Mayor Lemasters asked what is the city going to do when citizens have tires on their property even after the Tire Amnesty project is over? Manager Hendershot advised citizens have been notified that tires were being taken for free and will now be cited for nuisances.

* Mayor Lemasters reported several items to the Street Department: Red curb needs to be repainted next to fire hydrant at Penn Street & Curtis Avenue; Guardrail on Harmony Drive needs painted; Potholes in alley between Clinton Avenue & Juniper Avenue; the metal drain on Cedar Avenue by Dr. Tan's Office has fallen in.

* Mayor Lemasters wants the ATV ordinance on the Traffic Meeting agenda.

* Mayor Lemasters asked Street Commissioner Richmond if the city truck at Boso's is finished. Mr. Richmond commented that he needs to pick up the truck.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Wallace scheduled a Finance Meeting on Tuesday, June 10, 2008 at 5:00 p.m.

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson Simms scheduled a Traffic Meeting following the Finance Meeting.

Discussion and Approval of Recommendations by the Policy Committee.

Councilperson Wood scheduled a Policy Meeting following the Traffic Meeting.

COUNCIL ITEMS:

- * **Simms** - Asked if Recreation was going to use the money from the East End Complex Committee to pave the basketball courts? Manager Hendershot advised the courts will be patched.
- * Asked if the stop signs have been installed in the Campgrounds? Street Commissioner Richmond reported they had been installed.
- * **Wallace** - Reported receiving complaints of the weeds at the walking trail. Street Commissioner Richmond reported receiving weed killer from the County Commission to spray the trail.
- * **Wood** - Asked that City Manager Hendershot update council on the Animal Control issue.
- * Asked if anyone anticipated the abatement problems at the Fostoria? Manager Hendershot commented that everyone was aware of the contaminants in the building and in the ground. The building that collapsed should have been cleaned up and isolated by the demolition company, which allowed the contaminants to spread causing cross contamination.
- * Asked Fire Chief Clarke if he could start the NIMS classes before the next council meeting.
- * Asked Manager Hendershot for 7th Street update. The Sanitary Board received two bids that were considerably high. Sanitary Board met with the low bidder and performed some value added engineering in order to reduce the cost. Manager Hendershot anticipates the Sanitary Board accepting the low bid and construction beginning approximately July.
- * **Haynes** - Nothing at this time.
- * **James** - Asked who was responsible for cleaning up the abandoned trailers on Ruby Street & Pearl Street. Manager Hendershot advised that any structure damaged in a flood within the 100 year flood plain with more than 50% of the value to repair, the municipality can not allow them to rebuild without raising the structure above the flood plain. There was a voluntary process in which the state would provide demolition for the owners, some participated, some didn't.

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

Meeting adjourned at 7:50 p.m.

Sondra J. Hewitt, City Clerk

Wayne Lemasters, Mayor