

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
NOVEMBER 16, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on November 16, 2010 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by Councilperson Mark Simms.

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

MINUTES:

Regular Council Meeting of November 3, 2010.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of November 3, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

ANNOUNCEMENT:

AB Resource Gas Lease Negotiations.

Mayor Wood read from the following email addressed to City Manager Hendershot from Justin Kelly that he regrets to inform the City of Moundsville that AB Resources has decided to rescind their offer due to the fact a drill site has not been secured that would allow the City's property to be utilized. We are currently pursuing a drill location and if secured, we would want to continue talks at that time.

GENERAL PUBLIC HEARING:

* Paul Lauter, 1500 Ninth Street, would like to ask council questions concerning the gas lease when the opportunity arises.

* Dewey Morgan, 502 Jefferson Avenue, commented that if the city does sign a lease with AB Resources, the money should go into the Police & Fire Pensions.

* Carl Boso, 305 Tenth Street, expressed concerns on the gas drilling in Moundsville. Also, commented on the zone change for the Marshall County Co-op asking how they were permitted

to install a propane tank in a residential zone.

Manager Hendershot reported the installation was done years ago and the property is grand fathered.

* Mr. Morgan reported being on the Board of Zoning Appeals when this occurred in 1990-1991.

NEW BUSINESS:

Discussion and Approval of an Ordinance Providing for a Zone Change Located at 400 Eleventh Street. (First Reading)

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

AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA ON 11TH STREET IN THE CITY OF MOUNDSVILLE FROM A MULTI-FAMILY RESIDENTIAL ZONE TO A GENERAL RESIDENTIAL ZONE TO A COMBINED CENTRAL BUSINESS AND HIGHWAY COMMERCIAL AND INTEGRATED COMMERCIAL CENTERS ZONE. (FIRST READING)

Councilperson Wallace moved to approve the zone change ordinance, seconded by Councilperson DeWitt for discussion.

After brief discussion, Councilperson Wallace motioned to table approval of the zone change ordinance until further investigation as to why the Co-op was originally granted permission to install the propane tank, seconded by Councilperson Saunders.

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

Discussion and Approval of a Resolution to Enter into a Revised Pension Plan Document.

Councilperson Saunders made a motion to approve the resolution for the employee pension plan, seconded by Councilperson DeWitt.

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

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a Lease Agreement with AB Resources for Gas Rights at Valley Fork Park.

Councilperson Saunders moved to table the lease agreement resolution, seconded by Councilperson Young.

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

Discussion and Approval of a Resolution for Compliance with FTC Regarding Identity Theft Prevention Program.

Councilperson Wallace made a motion to approve the resolution regarding identity theft, seconded by Councilperson Haynes.

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

Other Items to be Discussed by Council.

Councilperson Wallace asked what is the reason parts of the stacks are left standing at the Fostoria. Manager Hendershot explained the stacks were tested and no asbestos was found. If the stacks were knocked over GAB could have a problem with cross contamination.

MANAGER ITEMS:

Tree Gala Light Up Night.

The Marshall County Chamber of Commerce has announced Business After Hours and “Light Up Night” at the Grave Creek Mound Museum on Wednesday, November 17, 2010 from 5:00 p.m. to 7:00 p.m. with Light Up at 6:30 p.m. Hosted by City Wide Financial & Real Estate and Dad’s Sweet Tooth.

2010 Christmas Parade.

The Moundsville Christmas Parade is scheduled for Saturday, November 20, 2010 at 2:00 p.m.

Stormwater Board.

Manager Hendershot reported the Storm Water Management Board has partnered with the Marshall County Commission to obtain engineering from StanTec to reduce run off flooding in the Center Street, Second Street, East End area.

Certificate of Completion on Fostoria Property.

Manager Hendershot reported meeting with Patrick Kirby with the Brownfields Office, Tom

Brown from RAZE and Eric Fecat from BelOMar to discuss the time lines and procedures for the Voluntary Remediation Plan process and priorities.

Councilperson Orientation.

Manager Hendershot will meet with Attorney White, CPA Kathryn Goddard, Office Supervisor and council members to discuss government procedures with newly elected council members. Meeting will be on Wednesday, November 24, 2010 at 9:00 a.m.

Legal Advertisements by Attorney White.

Attorney White presented legal ads published in the Moundsville Daily Echo to be received and filed by council:

1. Zone Change Ordinance for area at 10th Street & Thompson Avenue.
2. Zone Change Ordinance for 400 11th Street.

Councilperson Simms made a motion to receive and file the legal ads, seconded by Councilperson Haynes. Motion carried unanimously.

Municipal General Election Board of Canvassers'.

Councilperson Simms made a motion to receive and file the Municipal General Election Board of Canvassers' Results, seconded by Councilperson DeWitt. Motion carried unanimously.

MAYOR ITEMS:

* Mayor Wood asked if the city's weight scales were ready for operation? Chief Kudlak announced that he will meet with Cameron Chief Younger along with officers and Street Department employees will be participating for training.

* Mayor Wood announced that a vehicle is available for city officials for the Christmas parade.

* Mayor Wood asked if there was any further action taken with the home owners fence on Simpson Avenue. Manager Hendershot reported the installation of a fence was denied, owners installed fence anyway, owners were ordered to remove fence, posts are still erected location of the fence was not an issue, only the height.

Councilperson Saunders asked if anything was being done concerning the vandalism of Vucelick property? Chief Kudlak reported there being an active investigation into the vandalism.

* Mayor Wood asked for an update on the Sanford Center. Manager Hendershot reported the center is moving forward, rooms are being rented, negotiations are in the process for adult education classes. Also, Manager Hendershot thanked Flooring America for donating carpet to

the center.

* Mayor Wood commended Councilperson Young for all his work during his term as council member.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Discussion of Funding for Certificate of Completion and Voluntary Remediation Plan for Fostoria. Committee recommends to partner with GAB and utilize development funds to enter into plan.

City Manager Hendershot explained a \$5,000 filing fee will be shared with GAB. Funding is available through the Community Development Account.

Councilperson Wallace made a motion to approve funding for the Certificate of Completion and Voluntary Remediation Plan, seconded by Councilperson Saunders.

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

2. Discussion of House Decorating Contest. Committee recommends to move ahead with advertising.

Manager Hendershot announced house judging will be on December 8, 2010, residents interested in participating in the contest must submit their name and address to the Moundsville City Clerk's Office prior to office closing December 8 at 4:30 p.m. Winners will be announced at the December 21st regular council meeting. First Place \$100, Second Place \$50 and Third Place \$25.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion of free parking at meters for Holidays. Councilperson Simms made a motion to authorize free parking at meters for holidays, excluded area around Court House, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of Orientation for New Council. Committee recommends moving forward with this. Mayor Wood announced the meeting will be held on Wednesday, September 24, 2010 at 9:00 a.m.

COUNCIL ITEMS:

* **DeWitt** - Asked Manager Hendershot if he was going to hire a replacement for Linda Watson in the Police Department. Manager Hendershot advised they are moving forward on her replacement.

* **Haynes** - Reported junk vehicles on Drummond Street in the Campgrounds.

* **Saunders** - Reported tree needs trimmed near 7th Street & Henrietta Avenue.

* Reported curb needs repaired at the end of Olive Avenue near Potomac Street.

* Asked if a request was submitted to AEP for a street light on 4th Street.

* Provided Attorney White with materials for plans concerning the skateboard park. He & Attorney White will meet to review.

* Reported more graffiti at the old Convenient Store. City need to make owners liable to have graffiti removed.

* Asked for update on the East End Abandonment. Manager Hendershot reported the fence line appears on the city's side. Contact will be made with all residents to see if they are interested in obtaining additional abandoned property.

* Asked for an update on the Knights of Pythias building. Chief Kudlak reported trying to set up a meeting.

* **Simms** - Commented that council does not proclaim to know everything, things do slip by them. Also, three lawyers were involved in the decision to authorize the placement of the propane tank.

* **Wallace** - Said that he would like to know what was discussed in the minutes concerning the installation of the propane tank in 1990-1991.

* Wished everyone a Happy Thanksgiving.

* **Young** - Sends his condolences to Paul Kirby's family.

* Wished to thank Dorothy for the comment she made hoping that Mr. Young will run again for council.

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

Meeting adjourned at 7:52 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor