

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
FEBRUARY 5, 2008**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on February 5, 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: Cunningham, Simms, Wallace, Wood and Lemasters. Absent: DiRemigio & Haynes. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Pvt. Walker, Street Commissioner Richmond, Building Inspector Wise, CPA Kathryn Goddard and Attorney Thomas White. Absent: Fire Chief Clarke.

MINUTES:

Regular Council Meeting of January 15, 2008.

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of January 15, 2008, seconded by Councilperson Simms. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* David White, 406 Clinton Avenue, asked how much city business license are and if the city could increase them? City Clerk Hewitt advised special store license is \$5 and general store is \$15. And noted that cities can not exceed what the state amounts are. Mr. White also requested Manager Hendershot contact the owner of the mowers on 10th Street near the river before the river floods.

OLD BUSINESS:

* Councilperson Simms asked if Manager Hendershot received any response from the letter sent to the Mexican Restaurant. Manager Hendershot answered that he had not.

* Councilperson Wallace reported rumors that Buffalo Wild Wings was having problems at the site. Manager Hendershot reported there had been problems on the site, but there is still a possibility they may build in Moundsville. They are looking at alternative ways to handle the site.

* Councilperson Simms asked Attorney White if there had been any more consideration for a charter change on removal of council members. Councilperson Simms mentioned recall referendum. Attorney White had not researched the matter but will do so.

NEW BUSINESS:

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a Loan Agreement to Purchase Self Contained Breathing Apparatus for the Fire Department.

Councilperson Wood made a motion to authorize the City Manager to enter into a loan agreement to purchase self-contained breathing apparatus for the Fire Department, seconded by Councilperson Simms for discussion.

Manager Hendershot reported the initial purchase approval was for 8 units and 8 spares of the self-contained breather apparatus for the bid amount of \$83,533.00. In October, Fire Chief Clarke asked council to delay the purchase due to a possible grant source. Fire Force Inc, the bidder on the apparatus, informed Chief Clarke they receive a large bid & would include the city's for a reduced amount of \$42,440. A USDA grant in the amount of \$14,800 will be placed toward the amount leaving \$27,640 to be paid by the city.

Mayor Lemasters announced a motion was made and seconded to authorize the City Manager to enter into a loan agreement to purchase the apparatus'. Motion carried unanimously.

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

The term of Della Deskins has expired and she expressed an interest in serving another term. Councilperson Simms made a motion to re-appoint Della Deskins to the Zoning Appeals Board, seconded by Councilperson Wallace. Motion carried unanimously.

Appointment to the Municipal Building Commission. (Council's Appointment)

A letter was received from David Rickman expressing his interest to serve on the Municipal Building Commission for another term. Councilperson Simms made a motion to re-appoint David Rickman to the Municipal Building Commission, seconded by Councilperson Wallace. Motion carried unanimously.

Discussion and Approval of Requisition #25 for the Moundsville Water Treatment Plant Project.

Manager Hendershot referred this item to the February 19 council agenda.

MANAGER ITEMS:

Discussion of Pending Litigation with Barbara Arnold.

Councilperson Wallace made a motion to have an executive session after the regular council

meeting to discuss pending litigation, seconded by Councilperson Simms. Motion carried unanimously.

Appointment to the Historic Landmarks Commission. (Manager's Appointment)

The term for Susie Lunau has expired and she has expressed interest to serve another term. Manager Hendershot announced he will re-appoint Ms. Lunau to another term.

2008 Elizabethtown Festival.

Elizabethtown Festival 2008 has requested financial support for their event scheduled for May 17 & 18, 2008. Council referred the request to the Finance Meeting.

Other Items to be Discussed by the Manager.

Manager Hendershot received a letter from Delegate Varner awarding the city with an tentative approval of \$12,000 to assist with the Riverfront Shelter addition.

MAYOR ITEMS:

* Mayor Lemasters requested an update on the traffic light at 4th Street & Cedar Avenue. Manager Hendershot advised that the part to repair the light is on order. The light has been bagged and stop signs have been placed at each corner temporarily. Manager Hendershot suggested replacing the light with stop signs permanently and placing the item on the agenda for the Traffic Committee.

* Mayor Lemasters attended the Voice of Democracy ceremony at Moundsville VFW.

* Mayor Lemasters and Manager Hendershot along with the Marshall County Commission and the Moundsville Business & Cultural District attended a ceremony to recognize the new banners hanging on Jefferson Avenue.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Wallace scheduled a Finance Committee Meeting on Tuesday, February 12, 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** - Nothing at this time.

* **Cunningham** - Nothing at this time.

* **Wood** - Asked if the city had anticipated any problems with flooding? Manager Hendershot noted that 4 feet above flood stage is not drastic for Moundsville. Business owners and residents are usually aware and do prepare for flooding.

* Asked for an update on the Fostoria Project. Manager Hendershot reported that Mr. Games has established, with partners, a new corporation that will be financially able to continue the razing process. The Building Commission will then enter into another agreement with the new corporation.

* Thanked the building inspectors for moving on the public nuisances in the city, namely the house at First Street & Jefferson Avenue according to the new city ordinance.

* **Wallace** - Asked why the Pow Wow - Indian Festival left Moundsville? Manager Hendershot remembered the Chamber of Commerce being asked by a group from Powhatan, OH to assist with the festival. The City of Moundsville indirectly assisted the Chamber of Commerce in site preparation of the festival. Councilperson Wallace asked Manager Hendershot if he could ask the Chamber the reason they pulled their support.

Councilperson Wallace made a motion to go into an executive session after a 5 minute recess, seconded by Councilperson Simms. Motion carried unanimously.

Meeting recessed at 7:22 p.m.

Meeting reconvened at 7:28 p.m.

Executive Session began at 7:28 p.m.

Executive Session recessed at 8:12 p.m.

Regular Session reconvened at 8:13 p.m.

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

Meeting adjourned at 8:14 p.m.

Sondra J. Hewitt, City Clerk

Wayne Lemasters, Mayor