

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
FEBRUARY 6, 2007**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on February 6, 2007 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

City Clerk called the roll and the following council persons were in attendance: Cunningham, Haynes, Vice Mayor Lemasters, Simms, Wood and Mayor Wallace. Absent: DiRemigio. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Wise, Attorney Thomas White, CPA Thomas Dobbs and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of January 16, 2007.

Councilperson Simms made a motion to accept and approve the minutes of the regular council meeting of January 16, 2007, seconded by Councilperson Lemasters. Motion carried unanimously.

Special Council Meeting of January 30, 2007.

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of January 30, 2007, seconded by Councilperson Wood. Motion carried unanimously.

GENERAL PUBLIC HEARING:

Moundsville Building Commission Member - Kris McLendon.

Kris McLendon spoke with council keeping them informed on the progress at the Fostoria Glass Company project.

Councilperson Simms made a motion to direct the attorney to draft a resolution to authorize the Moundsville Building Commission to move forward on the project, seconded by Councilperson Lemasters. Motion carried unanimously.

Moundsville's Timbering Agent - John Stephens.

John Stephens gave handouts to council members and explained the timber market was weak at this time and weather conditions are poor for timbering.

After further discussion, Councilperson Simms made a motion to proceed with timbering,

seconded by Councilperson Wood. Motion carried unanimously.

* David White, 406 Clinton Avenue questioned council about the Mayoral Charter change.

NEW BUSINESS:

Discussion and Approval of Requisition #15 for the Moundsville Water Treatment Plant Project.

Councilperson Simms made a motion to approve requisition #15 for the Moundsville Water Treatment Plant Project, seconded by Councilperson Wood. Motion carried unanimously.

Discussion and Approval of an Ordinance to Change the Charter Moving Mayoral Election to December of Each Year. (First Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 7 OF THE CHARTER OF THE SAID CITY OF MOUNDSVILLE TO AMEND THE TIME FOR ELECTION OF THE MAYOR AND VICE MAYOR OF THE CITY OF MOUNDSVILLE. (FIRST READING)

Councilperson Simms motion to table this charter change, seconded by Councilperson Lemasters. Motion carried unanimously.

Discussion and Approval of an Ordinance Pertaining to Section 121.02 Committees of Council. (First Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 121.02 OF THE CITY CODE TO AMEND THE TIME FOR APPOINTING COMMITTEES OF COUNCIL. (FIRST READING)

Councilperson Simms made a motion to approve the ordinance, seconded by Councilperson Wood.

Mayor Wallace called for a roll call vote. City Clerk announced the following tally. 6 yeas. Motion carried unanimously.

**Discussion and Approval of an Ordinance Pertaining to Section 121.04 Term of Mayor.
(First Reading)**

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 121.04 OF THE CITY CODE TO AMEND THE TIME FOR THE TERM OF MAYOR. (FIRST READING)

After discussion, Councilperson Wood made a motion to instruct the City Attorney to reword the ordinance and bring back to council at the next regular council meeting, seconded by Mayor Wallace. Motion carried unanimously.

**Discussion and Approval of an Ordinance Concerning Employee Computer/Internet Use.
(First Reading)**

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, ENACTING A COMPUTER ETHICS AND USE POLICY FOR EMPLOYEES OF THE CITY OF MOUNDSVILLE (FIRST READING)

Councilperson Wood made a motion to approve the ordinance seconded by Councilperson Lemasters for discussion.

Mayor Wallace called for a roll call vote. City Clerk announced the following tally. 6 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning Grooming and Hygiene in the Employee Policy. (First Reading)

Attorney White reported to council that he did not draft the grooming and hygiene ordinance because he needs council to tell him exact what they want. He asked that council send this ordinance to the Policy Committee.

Councilperson Lemasters made a motion to refer this ordinance to the Policy Committee, seconded by Councilperson Haynes. Motion carried unanimously.

Other Items to be Discussed by Council.

* Mayor Wallace asked if council can better control or abolish the ordinances concerning solicitors and hawker & peddlers?

Discussion was held concerning the individuals soliciting water treatment systems who informed citizens that Moundsville was putting sewage in the drinking water. Manager Hendershot notified council that he met with the owner of the company, Tri State Water Consultants and after holding a hearing on the complaints, revoked the license for this company to solicit in the City of Moundsville.

Councilperson Simms made a motion to research the policy concerning solicitors and hawker & peddlers then discuss changes at the Policy Committee meeting, seconded by Councilperson Wood. Motion carried unanimously.

MANAGER ITEMS:

Discussion and Approval of Construction Bids for the Jefferson Avenue Sidewalk Project.

Received bids for the construction of the sidewalk project at Jefferson Avenue from the following:

Savage Construction Wheeling WV 26003	\$69,756.25
Ohio WV Excavating Powhatan Pt OH 43942	\$112,360.00

Councilperson Simms made a motion to award the bid to Savage Construction in the amount of \$69,756.25, seconded by Councilperson Haynes. Motion carried unanimously.

Finance Committee Meeting.

Manager Hendershot suggested that council schedule a Finance Meeting only on Tuesday, February 13, 2007, so department heads can give their presentations to council.

Engineering Firms for Improvements on Municipal Facilities.

Council members were asked at the Special Council meeting of January 30 to rate the presentation from the following Engineering Firms.

E.L. Robinson	307
McKinley & Associates	315
Edge & Associates	204

Councilperson Simms made a motion to proceed with interviewing McKinley & Associates for Improvements on the Municipal Facilities, seconded by Councilperson Cunningham. Motion carried unanimously.

Board of Education - Sanford School.

Manager Hendershot spoke with Board of Education Superintendent Fred Renzella concerning the possibility of Sanford School being turned over to the City of Moundsville for a community center. This is due to the School Bond Levy passing and the closure of Sanford School. It was suggested that money already established for the demolition be placed in escrow in any case the city was unable to keep the property. He also suggested that a feasibility be done on the building.

John Marshall Field Renovation Committee.

The John Marshall Field Renovation Committee would appreciate renewal of the City of Moundsville's scoreboard scroll, which is \$3,000 for a two-year term. Council suggested sending this request to the Finance Committee.

Moundsville Building Commission Vacancy.

Three vacancies exist on the Moundsville Building Commission. Michael Lauter expressed his willingness to serve another term. The two other vacancies will be advertised.

Tri Energy Oil & Gas Property Acquisition.

Manager Hendershot informed council that Tri Energy Oil & Gas Property Acquisition would like to purchase drilling rights to two areas of property owned by the City of Moundsville. The areas will be at the old landfill site and Valley Fork North. Manager Hendershot will follow up with WV DEP for permission to utilize the landfill site as we did with the timbering.

Other Items to be Discussed by the City Manager.

Manager Hendershot presented a letter from Councilperson Ralph DiRemigio who is opposing the Charter Change concerning Section 7 Presiding Officer: Mayor and Vice Mayor.

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

MAYOR ITEMS:

Mayor Wallace commented that he did not understand Councilperson DiRemigio's reason for protesting the charter change.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Vice Mayor Lemasters scheduled the Finance meeting on Tuesday, February 13, 2007 at 6:00 p.m.

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson Simms did not wish to schedule a Traffic meeting.

Discussion and Approval of Recommendations by the Policy Committee.

Councilperson Wood scheduled a Policy meeting following the Finance meeting.

COUNCIL ITEMS:

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

* **Simms** - Nothing at this time.

* **Wood** - Announced that Moundsville a resident was praising the Moundsville Water Board.

* **Lemasters** - Attended the WV Municipal League Conference and enjoyed the meetings. He also spoke with Delegate Tucker and Senator Kessler.

* **Haynes** - Nothing at this time.

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

Meeting adjourned at 8:12 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor