

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
APRIL 17, 2007**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on April 17, 2007 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by City Manager Hendershot. And a moment of silence for the tragedy at Virginia Tech, its students and their families.

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

MINUTES:

Regular Council Meeting of April 3, 2007.

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of April 3, 2007, seconded by Councilperson Lemasters. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Debra Magers, 1312 Third Street, expressed concerns of the now vacant property at 215 Ash Avenue. Reports of rodents, roaches, decayed rodents, animal feces etc. Ms. Magers presented council with photos and letter from Department of Health & Sanitation.

* Robert Blake, 1400 Third Street, supports Ms. Magers' statements and concerns. He would also like something done with the property. Also reported bagged garbage in the garage of the apartment.

* Kevin Robinson, 213 Ash Avenue, shared his concerns and frustration that he and neighbors are dealing with. Neighbors have spent hundreds of dollars to exterminate their property and homes.

* Virginia Magers, 1312 Third Street, also expressed concerns of the vacant property at 215 Ash Avenue.

City Manager Hendershot asked Ronda Francis of the Marshall County Health Department to enlighten council and neighbors of the Health Departments findings. Ms. Francis stated after speaking to the experts from the WV Department of Human Resources, Bureau for Public

Health, the house at 215 Ash Avenue is not considered a Bio-Hazard. Bio-Hazard would be diseases such as anthrax or the plague. There is solid waste at the residents which would be removed and properly disposed of the same as other solid waste in a landfill.

Mayor Wallace expressed that he feels bad for the neighbors in that area and believes the City Manager and other officials of the city are doing everything they can at this point.

Manager Hendershot reported that the inspection that was conducted noted the house was structurally sound. The city's condemnation process does not mean the building would be razed. The building, being sound, would need to be exterminated, baited and cleaned out, disposing of the garbage by the property owner.

Councilperson Wood commented that if the property is sold, the city would make sure the property procedure is followed in cleaning up the property.

* Brenda Purdy, 1404 Third Street, asked council who owns the property? They can not address the owner if they don't know who it is.

Attorney White instructed Mrs. Purdy to read the will at the Marshall County Court House. The will should tell who the property belongs to.

* Linda Robinson, 213 Ash Avenue, stated that two years ago she called the city to have something done about the roach problem on the property. She also reported she spent hundreds of dollars for exterminators.

* Della Deskins, 318 Olive Avenue, addressed council on several matters; cats running loose, buildings that need demolished and certain days for the street cleaner.

* Elwood Cecil, 1205 Fifth Street, reported receiving a letter in his mailbox from the new owners of 1201 Fifth Street. Mr. Cecil also presented a petition with signatures from residents opposing the intent to place a funeral home at 1201 Fifth Street.

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

Mayor Wallace stated this matter will be discussed at the Zoning Appeals Board Meeting. Residents need to attend the meeting to express their concerns of the Funeral Home. He also stated if the Zoning Appeals Board approves the home, residents can appeal the matter to Circuit Court.

* Hilda Blake, 1200 Sixth Street, reported this Funeral Home will be in her back yard and she is very upset that someone would even consider this in a residential area. Councilperson Lemasters made a motion to send a letter to the Zoning Appeals Board expressing their opposition to place the funeral home at 1201 Fifth Street, seconded by Councilperson

Haynes. Motion carried unanimously.

* Holly Hobbs, 1203 Fifth Street, stated that she lives beside 1201 Fifth Street and opposes the business in a residential neighborhood.

* David White, 406 Clinton Avenue, reported kids throwing eggs at cars and requested patrol.

* Beverly Conner, 331 Thorn Avenue, addressed council on the proposed access from Thorn Avenue to McNinch School asking if a gate was going to be placed so access can not be used when school is not in session. She also asked for patrol on Friday & Saturday nights, large trucks don't realize the street is a dead end.

Manager Hendershot advised Ms. Conner that a gate will be placed to close the road when school is out.

NEW BUSINESS:

Discussion and Approval of Water Purchase Agreement Between the City of Moundsville Water Board and Marshall County PSD #4.

Councilperson Lemasters made a motion to approve the Water Purchase Agreement, seconded by Councilperson Wood. Motion carried unanimously.

Discussion and Approval of Budget Revision #1 for the 2006-2007 General Fund Budget.

Councilperson Wood made a motion to approve Budget Revision #1 for the 2006-2007 General Fund Budget, seconded by Councilperson Lemasters. Motion carried unanimously.

Discussion and Approval to Lay the Levy for the 2007-2008 General Fund Budget.

Councilperson Lemasters made a motion to lay the Levy for the 2007-2008 General Fund Budget, seconded by Councilperson Haynes. Motion carried unanimously.

Other Items to be Discussed by Council.

Councilperson Lemasters suggested the city purchase a metal hopper to collect all the metal laying around town. With metal on the rise, the city could receive another source of revenue.

MANAGER ITEMS:

Appointment to the Police Civil Service Commission.

A letter was received from Mr. Dale Coffield asking to remain on the Moundsville Police Civil Service Commission. Manager Hendershot will reappoint Mr. Coffield to the commission.

Discussion of Fire Department Request for 2007 Assistance to Firefighters Grant Application.

Fire Chief Clarke was asked to provide council with an estimate before submitting the grant application. Chief Clarke is applying for a \$27,000 grant reporting the city's match would be \$1,350.00.

Discussion of Lease Agreement Between the City of Moundsville and the Moundsville Rifle Pistol Club.

Manager Hendershot reviewed the lease agreement, discussed it with Attorney White and made a major change from the original contract of 25 years to 5 years. The Rifle Pistol Club has been provided with the adjusted contract and will let the city know if they are in agreement.

Grave Creek Mound Ground Breaking.

Ground breaking for the Grave Creek Mound will be on April 26, 2007 from 9:00 - 10:30 a.m., with a reception to follow. Governor Manchin is scheduled to attend.

Business After Hours.

The Marshall County Chamber of Commerce Business After Hours will be hosted by the Marshall County Co-Op on April 26, 2007 from 5-7 p.m.

Jefferson Avenue Sidewalk Project.

Savage Construction has scheduled the sidewalk project to start on Monday, April 23, 2007 on the Jefferson Avenue Extension. Jefferson Avenue will be reduced to one lane and will be shared in each direction using a traffic light system. The news papers and School Board have been notified.

Human Chess Game.

The City Manager and Mr. Dolgovskij from Mound View will be playing the Human Chess Game on May 3, 2007 at 1:00 p.m.

MAYOR ITEMS:

Poppy Day Proclamation.

Mayor Wallace announced that he signed the American Legion Poppy Day Proclamation. Poppy Days will be May 11, 2007.

Condolences to Virginia Tech.

Mayor Wallace sent his condolences to Virginia Tech, its students and their families for their loss.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Budget Revision was discussed and approved under New Business.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Recommend School Board to Proceed with Access from McNinch School to Thorn Avenue.

Mayor Wallace made a motion to recommend the School Board proceed with the access Thorn Avenue to McNinch School, seconded by Councilperson Lemasters. Motion carried unanimously.

2. Recommend Proceed with Engineering and Going Out for Bids on Street Paving of Ohio Street from Railroad to City Limits; Center Street from Sycamore to Highland Avenue; Jefferson Avenue from 10th to 11th Street.

Mayor Wallace made a motion to proceed with engineering and going out for bids on street paving, seconded by Councilperson Lemasters for discussion.

Councilperson Lemasters requested adding Jackson Avenue between 13th & 14th Street by the Riverfront Park. Manager Hendershot noted the street has not been engineered, but received a figure on the Jefferson Avenue between 10th & 11th Street which was \$49,280.00. Center Street from Sycamore Avenue to Highland Avenue has also been authorized but needs a lot of drainage work. Manager Hendershot suggested fixing the drainage problem this summer and paving next year.

Mayor Wallace announced a motion and a second on the paving request. Motion carried unanimously.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of Increasing the Cost of Canvassers and Solicitors Application to \$75.

Councilperson Lemasters made a motion to direct the City Attorney to draft an ordinance increasing the cost of canvassers and solicitors to \$75, seconded by Councilperson Haynes. Motion carried unanimously.

COUNCIL ITEMS:

- * **Haynes** - Reported washers & dryers in the yard at 33 Fostoria Avenue.
- * **Cunningham** - Asked Manager Hendershot about the paving that was approved in the Traffic Committee items.
- * Asked the possibility of hiring workers for the Street Department. Manager Hendershot advised that soon they will be hiring part time for the summer, usually after school is out.
- * **Lemasters** - Discussed with Building Inspector Wise the swimming pool at 1103 Fifth Street.
- * **Wood** - Reported the hole has been filled on the road leaving Giant Eagle. Also said the store was going to be Stop & Save.
- * Asked if there are rules and regulations for the Police Department concerning funerals. Chief Kudlak stated they do have regulations that covers funeral responses.
- * Would like to discuss more on the dilapidated houses in the city at another meeting.

Street Commissioner Richmond wanted to thank every one for having some patients with the Street Department concerning the work orders. The department is about 21 orders behind at this time. They receive about 3-4 per day. And asked that the citizens to bare with them especially concerning the holes in streets and alleys.

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

Meeting adjourned at 8:52 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor