

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
DECEMBER 7, 2010**

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

Meeting was called to order by Mayor David Wood.

Invocation by City Manager Allen Hendershot.

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 Laborer Kevin Wallace, Building Inspector Mercer, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of November 16, 2010.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of November 16, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Phil Remke, 227 Jefferson Avenue, spoke to council about future sponsorship for two events that he has scheduled in Moundsville. He intends in November 2011 to place a 35-38 foot Christmas tree in the BB&T parking lot, music by West Liberty Brass Barbershop Quartet, hopefully closing Jefferson Avenue that evening to allow vendors and music. The other event is Bark, Sniff & Howl dog exhibition May 28 & 29, 2011 to be held at the Moundsville Training Center and Grand Vue Park.

OLD BUSINESS:

Discussion and Approval of an Ordinance Providing for a Zone Change Located at 400 11th 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 COMBINED CENTRAL BUSINESS AND HIGHWAY COMMERCIAL AND INTEGRATED

COMMERCIAL CENTERS ZONE. (FIRST READING)

Councilperson Simms made a motion to remove from the table the zone change ordinance for 400 11th Street, seconded by Councilperson Haynes.

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.

Question was asked concerning a court order changing the zone of the property. Attorney White explained that the property was grand fathered but the court order was pertaining to the propane tanks.

Councilperson Simms made a motion to approve the zone change at 400 11th Street, seconded by Councilperson DeWitt.

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

Other Items to be Discussed by Council.

* Councilperson DeWitt asked if the city was going to take the Knights of Pythias building and if so, how long will the transfer take? Manager Hendershot pointed out the discussion will be following new business.

* Councilperson DeWitt asked for an update on the Fostoria. Manager Hendershot reported contacting RAZE and GAB in reference to the Certificate of Completion but no further action has been taken.

* Councilperson DeWitt asked when Manager Hendershot was going to hire another dispatcher? Manager Hendershot reported that he & Chief Kudlak are working on a job description and wage.

* Councilperson Saunders asked if part time employees are able to join the pension plan? Manager Hendershot reported that part time employees will be able to participate in the pension plan.

* Councilperson Saunders for an update on Sanford Center and new board members who are also FRN members. Manager Hendershot reported neither board member is affiliated with FRN and rentals at the center are improving, cost of refurbishing the roof will be spread out over a couple of years. The board is planning a donors year end dinner in February.

* Councilperson DeWitt announced that she would like to hold a public hearing if and when the decision of the gas lease comes back before council.

* Councilperson Saunders asked if council should consider updating the Planning and Zoning Ordinances. Manager Hendershot reported the planning & zoning ordinances are up to date, but council needs to work on updating the Comprehensive Plan which affects the planning & zoning ordinances.

NEW BUSINESS:

Appointment to the Moundsville Building Commission.

Manager Hendershot received a letter of intent from Wayne Birkett, 307 Baker Avenue, who is interested in serving on the Moundsville Building Commission.

Councilperson Simms made a motion to appoint Wayne Birkett to the Moundsville Building Commission, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of Transferring Property at 102 Jefferson Avenue to the City of Moundsville.

Manager Hendershot explained that he received an offer from the owners of 102 Jefferson Avenue attesting they have turned the property over to the City of Moundsville. The property was assessed for approximately \$6,000 and the owners owe the city a couple hundred dollars. Manager Hendershot suggested that council accept the property and have building demolished.

Councilperson Saunders made a motion to direct the City Attorney to perform a title search on the property before council makes the decision to accept the property, seconded by Councilperson Wallace. Motion carried unanimously.

Discussion of Property Transfer of the Knights of Pythias Building.

Manager Hendershot met with Knights of Pythias Board members where it was discussed the club would lease the third floor to hold meetings which then the city would take control of the third floor, until that time, the city would have control of the first & second floor. Also, Chief Kudlak provided a report on the cost of utilities at the Knights of Pythias building. Council members referred this matter to the Finance Committee.

MANAGER ITEMS:

Resignation of Planning Commission Member.

Manager Hendershot submitted a letter of resignation from Planning Commission member Ginger DeWitt.

Christmas House Decorating Contest.

Manager Hendershot announced that judging for the house decorating contest will be on December 8. Winners will be announced and invited to December 21 council meeting to accept their prizes.

2010 Christmas Parade.

The Marshall County Chamber of Commerce wished to thank the City of Moundsville Police Chief Kudlak. Street Commissioner Richmond and Street Foreman Stocklask for their help with the 2010 Christmas Parade.

MAYOR ITEMS:

* Mayor Wood attended a meeting of the Marshall County Energy Exploration Task Force at GrandVue Park along with Councilpersons DeWitt and Saunders. This meeting was attended by the WV Transportation, representatives of the hospital, county, city, state officials, the drilling companies, dealing with drilling sites, gas rights, drainage pipes, and numerous other concerns.

* Mayor Wood asked for an update on the weight scales. Chief Kudlak reported that officers have received their training. An appointment with the scales people is scheduled for December 13.

* Mayor Wood reminded council members of the election of Mayor & Vice Mayor at the December 21st council meeting.

* Mayor Wood thanked responsible parties for the list provided to council on the dilapidated structures, demolished structures and repaired & secured structures.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Wallace scheduled a finance meeting on December 14, 2010 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.

Mayor Wood scheduled a policy meeting following the traffic meeting.

COUNCIL ITEMS:

- * **Wallace** - Nothing at this time.
- * **Young** - Asked if the city has salt ready for the winter? Manager Hendershot announced that he spoke with Street Commissioner Richmond who is confident the city is ready for winter.
- * Asked why the Street Department plows Jefferson Avenue before any other street in Moundsville? Manager Hendershot explained that Jefferson Avenue has always been one of the first places the snow plow runs.
- * **DeWitt** - Asked when will the street light on Fourth Street be installed? Manager Hendershot reported the request has been submitted, but he will follow up with AEP.
- * Reported speaking with a delegate concerning the traffic light at 10th Street & Rt. 2, hopefully something will be done.
- * Asked if the city is seeing an increase in revenue at Walmart, Kroger and other stores in Moundsville since Marshall County residents have leased gas rights? Manager Hendershot commented it being difficult to identify B&O increases.
- * Asked if there has been a big increase in traffic? Chief Kudlak reported not enough to make a difference.
- * **Saunders** - Reported the house at Potomac Street & Sycamore Avenue needs cleaned up again.
- * Asked for an update on the easement of the East End property. Manager Hendershot reported the city is still working on it. Letters have been sent to the owners of property to see if they want the property.
- * Asked that the Policy Committee consider an ordinance concerning graffiti.
- * **Haynes** - Nothing at this time.
- * **Simms** - Nothing at this time.

Councilperson Simms made a motion to hold an executive session concerning pending litigation, seconded by Councilperson Wallace. Motion carried unanimously.

Meeting recessed at 7:58 p.m.

Meeting reconvened for executive session at 8:05 p.m.

Meeting recessed at 8:40 p.m.

Councilperson Saunders made a motion to adjourn, seconded by Councilperson DeWitt.

Motion carried unanimously.

Meeting adjourned at 8:40 p.m.

Sondra J Hewitt, City Clerk

David Wood, Mayor