

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
NOVEMBER 1, 2011**

The Council of the City of Moundsville met in regular session in the Council Chambers on November 1, 2011 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by City Manager Allen Hendershot.

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

MINUTES:

Regular Council Meeting of October 18, 2011.

Councilperson Saunders made a motion to accept and approve the minutes of the regular council meeting, October 18, 2011, seconded by Councilperson Simms. Motion carried unanimously.

GENERAL PUBLIC HEARING:

Award Presentation of Halloween House Decoration Winners.

Mayor Wallace announced the winners for the 1st Halloween House Decorating Contest:

First Place	Mike & Debbie Kyrk, 1214 Seventh Street.
Second Place	Herman & Wendy Burkhart, 207 Cypress Avenue.
Third Place	Robert Stewart, 1008 Fifth Street.

Presentation of Award to Retired Police Sgt. Darren Whipkey for Years of Service on the Moundsville Police Department.

Mayor Wallace presented Darren Whipkey with a plaque for his 21 years of service on the Moundsville Police Department.

Kevin Sneed, State Floodplain Manager, Program Coordinator.

Mr. Sneed spoke to council praising former Building Inspector Brandon Mercer for his assistance as Moundsville's Floodplain Manager and Building Inspector John Schneider as the new Floodplain Manager. He discussed two floodplain violations in the City of Moundsville that must be addressed before FEMA will provide the city with a letter of Good Standings.

Which means that FEMA will place communities on program probation for non-resolution of long standing violations. However, if the violations are addressed, the City of Moundsville will be accredited with a letter of Good Standing and permitted to participate in the Community Rating System (CRS) program. The program will grant the City of Moundsville residents reductions ranging from 5-45% off annual flood insurance premiums.

The violations discussed were vents (screened openings at the bottom of block walls on each side) in the block garage owned by the Moundsville Volunteer Fire Department. The vents allow flood water to run out the other side of the building keeping the foundation secure. The second violation is the fill dirt located on the Moundsville Volunteer Fire Department lot. The VFD will need to provide FEMA with a letter stating they accept full responsibility should there be any adverse effect because they dumped the fill on that location.

* Lester Tasker, 1407 Tenth Street, asked for more patrol in the city. Mr. Tasker said he never sees officers patrolling.

* Rich King, Co-owner of Uniquely Yours, 305 Jefferson Avenue has requested a street closure permit for August 22-26, 2012 on Jefferson Avenue between 8th & 10th Street (7th St optional) to display the Vietnam Veterans Memorial Wall. City Manager Hendershot suggested handling this request administratively. He and the Police Chief are the ones who sign the street closure permits.

Also, Mr. King requested some feedback for December 10, 2011 a gas powered train with 5-6 cars that will provide people rides for \$5 driving up & down Jefferson Avenue.

* Carl Boso, 305 Tenth Street, asked if he needs a permit to hold a demonstration in Moundsville. Attorney White said he needed more details to research the code.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Leaves and Absences in the Employee Policy. (Second Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING A PORTION OF ARTICLE 155 OF THE CODE, RELATING TO POLICY PROVISIONS FOR EMPLOYEES BY AMENDING AND REENACTING SECTION 155.07, SUBSECTION "a" TO PROHIBIT EMPLOYEES FROM LEAVING WORK TO PERFORM OTHER EMPLOYMENT. (SECOND READING)

Councilperson Wood made a motion to accept and approve the above ordinance, seconded by

Councilperson Haynes.

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

Other Items to be Discussed by Council.

* Councilperson Remke asked if the police department was ready to sell the scales? Manager Hendershot noted it was his understanding to wait until construction was complete on Jefferson Avenue and Lafayette Avenue.

* Councilperson Remke reported the paving job on Jefferson Avenue was not paved appropriately. Manager Hendershot reported that Jefferson Avenue is a Sanitary Board project, he will speak with Larry Bonar about council's concerns.

* Councilperson Remke reported the curbs on Jefferson Avenue have dropped in different places. He hopes the Sanitary Board will address them.

* Councilperson Wood commented on the applications for City Manager that were received. Last day to receive applications will be November 7, 2011.

* Councilperson Wood asked Manager Hendershot if he was going to provide council with the employee policy draft for review. Manager Hendershot advised that Commercial Insurance was making some revisions and as soon as they are completed he will provide council with copies.

* Councilperson Wood commented that employee eye and dental insurance will be up for review. Manager Hendershot advised that he will wait for the renewal deadline.

* Councilperson Saunders attended a neighborhood watch meeting where he asked Chief Mitchell to research the neighborhood watch patrol. Chief Mitchell has no report for council at this time. Manager Hendershot commented that research can be extensive and time consuming.

* Councilperson Saunders asked if anything has been done with the OH truck at 1800 Penn Street. Chief Mitchell reported the vehicle is gone.

NEW BUSINESS:

Discussion and Approval of an Ordinance Pertaining to the Cable Franchise in the City of Moundsville. (First Reading)

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

AN ORDINANCE GRANTING A FRANCHISE TO COMCAST, TO CONSTRUCT, MAINTAIN AND REMOVE A TELEVISION SIGNAL RECEPTION AND DISTRIBUTION SYSTEM UPON, ALONG AND ACROSS THE PUBLIC ALLEYS AND STREETS OF THE CITY OF MOUNDSVILLE. (FIRST READING)

Councilperson Wood made a motion to accept and approve the franchise ordinance, seconded by Councilperson Haynes.

Attorney White advised council there must be a 30 day notice for a public hearing and second reading. Also, the ordinance should be published in a local newspaper two times for two weeks.

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

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a Loan Agreement for the Lease Purchase of a 2012 Dodge Charger Police Cruiser.

Councilperson Haynes made a motion to authorize the City Manager to enter into a loan agreement for the lease purchase of a 2012 Dodge Charger, seconded by Councilperson Saunders. Motion carried unanimously.

Appointment to the Moundsville Building Commission.

A letter of interest was received from Danny Jacobs for the appointment to the Moundsville Building Commission.

Councilperson Simms made a motion to appoint Danny Jacobs to the Moundsville Building Commission, seconded by Councilperson Remke. Motion carried unanimously.

Discussion of Fall Training for Main Street WV and ON TRAC Training.

City Manager Hendershot commented on the City of Moundsville receiving an invitation for Main Street WV and ON TRAC training in Morgantown on November 7, 8 & 9, 2011. Main Street WV was interested in Councilperson Wood participating.

Discussion and Approval of a Resolution to Enter Into a Loan Agreement for a 2003 Chevrolet S-10 Truck #2 for the Parks & Recreation Department.

Councilperson Saunders made a motion to authorize a resolution to enter into a loan agreement for a 2003 Chevrolet S-10 Truck #2 for Parks & Recreation, seconded by DeWitt. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Saunders announced that the Parks & Recreation Board has made the Parks Director a salary employee not hourly.

* Councilperson Remke suggested that council hire an agency to proceed with hiring a City Manager since this is a very lengthy and important matter.

Councilperson Wood commented by saying that council should get together by choosing a workable number of applicants then appoint an individual to make contacts to see if the applicant is still interested in the job. Councilperson Wood believes the responsibility falls on council.

* Councilperson Saunders asked if council members were going to ride in the Christmas Parade.

* Councilperson Remke feels that council should applaud residents when they fix their homes and properties. He suggested presenting residents with a certificate of appreciation.

* Councilperson Remke announced the beautification committee has purchased 20-40 Christmas Wreaths for the poles on Jefferson Avenue to replace the flower baskets.

* Councilperson Remke requested the sign ordinance be placed back on the Traffic Committee agenda.

* Councilperson Wood requested that CPA Kathryn Goddard update council on the budget before the City Manager leaves.

* Councilperson Saunders announced the Parks & Recreation Board are planning some events for 2012 one being a Father/Daughter Valentine Dance in February possibly at the Sanford Center.

* Councilperson Saunders reported the Dog Park committee is looking at East End or the Riverfront for their dog park.

* Councilperson Saunders reported the Skateboard committee will start meeting again.

* Councilperson Remke announced the 2012 Marshall County Fall Festival of Thrills and the MEDC Zombie Walk will be September 22, 2012.

MANAGER ITEMS:

Utility Service Partners Inc.

Manager Hendershot announced the Utility Service Partners Inc have reported good response to

the water line campaign in Moundsville with 126 enrollments in the program.

Quote for Demolition & Disposal of 1307 North Street.

Manager Hendershot reported an asbestos inventory was done at 1307 North Street. The report tested positive for asbestos. The city is in the process of obtaining quotes for under \$10,000 and sealed bids for over \$10,000.

Rx Return Box.

The Moundsville Police Department now has a Rx Return Box for all unwanted medications both prescription and over the counter. The box is located at the Moundsville Police Department 24/7. Chief Mitchell reported a great response from residents.

WV Redevelopment Collaborative.

Manager Hendershot announced that the Moundsville Fostoria Glass site has received an invitation to participate in the WV Redevelopment Collaborative on December 2, 2011. They have requested the information be forwarded to Councilperson Wood hoping he will be the representative for the project.

Regional Transportation Authorities.

Since the November 2010 ballot did not receive the required 60% voter approval rate needed for an excess levy, the issue did receive approval from nearly 57% of the voters. Mr. Hvizdos, Executive Director, and the OVRTA Board have requested the City of Moundsville council to consider placing the transit levy issue on the ballot again for the 2012 primary election in May or the November 2012 general election. Council agreed to refer this matter to the Policy Committee.

Business After Hours.

The Marshall County Chamber of Commerce is sponsoring Business After Hours and Light Up Night hosted by Dad's Sweet Tooth at the Grave Creek Mound from 5-7 p.m.

MAYOR ITEMS:

* Mayor Wallace announced that he has received several resumes for City Manager and encourages council to look over them carefully. After the November 7 deadline, council will meet to go over applications.

* Mayor Wallace congratulated Darren Whipkey on his retirement and wishes him well.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson Simms scheduled a traffic meeting on November 8, 2011 at 5:00 p.m.

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Saunders scheduled a finance meeting following the traffic meeting.

Discussion and Approval of Recommendations by the Policy Committee.

Councilperson Wood scheduled a policy meeting following the finance meeting.

COUNCIL ITEMS:

* **Saunders** - Asked Building Inspector Schneider if the owner of 329½ Thorn Avenue has made any improvements? Building Inspector Schneider reported no improvements have been done at all. Also, the 6 ft. fence is still standing around the property, which the Planning Commission denied.

Councilperson Saunders asked Attorney White what the city's next step is to force action on the property? Attorney White if the owner was found guilty of the crime, Health & Sanitation Violation, the charge would be a misdemeanor and every day they can be charged with another charge. If the property is bad enough, the city could have it condemned.

* Asked if the manager was going to hire another building inspector? Manager Hendershot explained the procedure of posting the job in house, if employees are not interested the job will be advertised, the most qualified person will be hired.

* Asked if Sgt. Whipkey will be replaced by another officer? Manager Hendershot explained the Sgt. position has already been filled. The Chief is in the process of hiring another patrolman from the eligibility list.

* **Haynes** - Was asked by Mr. & Mrs. Tichnell, 10 Ford Street, to thank council for granting the abandonment of an alley behind their home.

* **Remke** - Nothing at this time.

* **Wood** - Since the appointment of a Building Commission member, he would encourage the commission to schedule a meeting to discuss the Fostoria deed.

* Congratulated Darren Whipkey on his retirement.

* Noted since all council members are equal each should receive the same amount of information as the other.

* **Simms** - Wished to thank Darren Whipkey for all he has done for the city as a police officer for 21 years.

* **DeWitt** - Nothing at this time.

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

Meeting adjourned at 8:27 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor