

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
DECEMBER 20, 2011**

The Council of the City of Moundsville met in regular session in the Council Chambers on December 20, 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, Remke, Saunders, Simms, Wood and Mayor Wallace. Absent: Haynes (ill). Also present: City Manager Hendershot, Office Manager Deanna J Hess, Police Chief Mitchell, Asst. Fire Chief Walker, Street Commissioner Richmond, Building Inspector Schneider, CPA Kathryn Goddard, City Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Special Council Meeting of November 29, 2011.

Councilperson Simms made a motion to accept and approve the minutes of the special council meeting of November 29, 2011, seconded by Councilperson Remke. Motion carried unanimously.

Regular Council Meeting of December 6, 2011.

Councilperson Saunders made a correction on page 7, line 20, which reads, "recommended by Chief Kudlak", should be "Chief Clarke".

Councilperson DeWitt made a correction on page 2, line 19, which reads, "4 yeas, 3 nays", should be, "5 yeas, 2 nays".

Councilperson Simms made a motion to accept and approve the minutes of the regular council meeting of December 6, 2011, with amendments, seconded by Councilperson Saunders. Motion carried unanimously.

Presentation to Christmas House Decorating Winners.

Mayor Wallace presented awards to the following citizens for Christmas House Decorating:

1ST Place - Mickey Tomlinson, 430 Filbert Avenue; 2nd Place - Harry Grimm, 1526 Seventh Street; 3rd Place - Crissy Markwas, 314 Seventh Street; And Honorable Mention - Tom & Dorothy Parker, 222 Pine Avenue.

Presentation to Retiring Business Owner, Fay Bissett.

Mayor Wallace presented business owner, Fay Bissett with an appreciation plaque for her 55 years of service in the City of Moundsville.

Presentation to Retiring City Manager Allen Hendershot.

Mayor Wallace presented City Manager Hendershot with an appreciation plaque for his 9 years of service as City Manager. Mayor Wallace also presented Mr. Hendershot with a gold watch from council members.

GENERAL PUBLIC HEARING:

* Frank Boso, Jr., 1208 Purdy Avenue presented council with photo's and a petition from neighbors who oppose the proposed abandonment of the paper alley between Lafayette Avenue & Purdy Avenue and 12th Street & 13th Street. Mr. Boso also commented on the application by Richard Frohnapfel concerning the property not being used by the public which Mr. Boso says the public uses that paper alley to walk from Purdy Avenue to Lafayette Avenue or the Plaza.

Councilperson Simms made a motion to receive and file the petition & photo's, seconded by Councilperson Wood. Motion carried unanimously.

* Richard Frohnapfel, 1506 Fifth Street, stated he is the owner of property and submitted the request for an abandonment from the City of Moundsville. He advised that Mr. Hunnell, owner & operator of Auto Choice is interested in purchasing his property. Mike Emery of Emery's Mobile Home Parts has been renting that building for years.

Mayor Wallace asked Mr. Frohnapfel if his property is on the alley. Mr. Frohnapfel said he was not sure, he has never had the property surveyed.

* Bob Hunnell, 1201 Lafayette Avenue, owner & operator of Auto Choice, stated that he did have the property surveyed and was informed that the south corner of the building is in the alley. He assured council as long as Mr. Emery is in business, he (Mr. Hunnell) will not be making anchanges to the property.

* Richard Wilson, 515 Jefferson Avenue, spoke to council on behalf of the Moundsville Volunteer Fire Department. Mr. Wilson congratulated City Manager Allen Hendershot on his retirement. Mr. Wilson went on to say that proper permits were acquired when the fire department constructed a building behind the MVFD and installing the flood vents was not mentioned. The MVFD is willing to install the vents if the cost is shared by the city.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Building Permits in the City of

Moundsville. (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 THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR INCREASING CONSTRUCTION PERMIT FEES WHEN WORK IS COMMENCED PRIOR TO OBTAINING A PERMIT, BY ADDING SECTION 1709.11 TO THE CITY CODE. (SECOND READING)

Councilperson Remke made a motion to accept and approve the ordinance pertaining to building permits, seconded by Councilperson Simms for discussion.

After some concerns were discussed, Mayor Wallace called for a voice vote. City Clerk announced the following tally. Remke, Mayor Wallace, Simms and Saunders voting yea. DeWitt and Wood voting nay. 4 yeas, 2 nays. Motion carried.

Councilperson Wood suggested to increase the cost of materials and labor being performed more than \$300. Council would discuss this at a Policy meeting.

Discussion and Approval of an Ordinance for an Abandonment of an Alley on Lafayette Avenue. (Second Reading)

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

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A PORTION OF AN ALLEY INTERSECTING THE WEST SIDE OF LAFAYETTE AVENUE BETWEEN TWELFTH AND THIRTEENTH STREETS IN THE CITY OF MOUNDSVILLE. (SECOND READING)

Councilperson Remke made a motion to accept and approve the ordinance concerning an abandonment, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Mayor Wallace, DeWitt, Remke, Saunders, Simms and Wood voting yea. 6 yeas. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Saunders reported part of the sidewalk missing at 905 Fifth Street. Owner of property can not be located. Building Inspector Schneider noted that someone is living in the house, but he is unable to speak with them during the day. He advised he has sent them a letter.

* Councilperson Saunders reported a vehicle accident at the intersection of 5th Street & Jefferson Avenue. He suggested a meeting with DOH. Councilperson Wood noted that council received copies of a letter from DOH District Engineer Bob Whipp stating after reviewing crash data at that intersection the two crashes were not attributed to the Two Way stop control. Mr. Whipp continued to say that DOH does not grant permission to the City of Moundsville to turn the cited intersection to an All Way stop control. Councilperson Remke suggested changing the speed to 15 mph. He was advised the city can not change the speed because of Jefferson Avenue being a state highway.

* Councilperson Saunders asked for an update on 329½ Thorn Avenue. Building Inspector Schneider reported that Ms. Darrah was fined for Health & Sanitation Violations. Another letter was sent advising the owner she has 30 days to comply with the requests. The 30 days expired on December 18 in which Mr. Schneider notified Officer Sayman to issue a citation.

* Councilperson Remke asked Chief Mitchell if anything has been done with the ambulance setting in the parking lot at 7th Street & Tomlinson Avenue? Chief Mitchell advised that he gave a work order to Lt. Murray.

* Councilperson Wood heard that summer concerts were not going to be at the Riverfront Park and asked if there was any truth to this? Councilperson Saunders reported that summer concerts were going to be at the Riverfront Park.

* Councilperson Wood said that he is having some concerns with some sections in the “Signage Ordinance”. One concern being that a committee of three citizens can demand certain colors or shapes of the signs. Attorney White stated that responsibility will go through the Zoning Appeals Board. It will not be the decision of the citizens committee.

* Councilperson Remke asked for a yellow line in front of Ruttenburg’s for vehicle exiting the parking lot onto Jefferson Avenue. Mayor Wallace advised this item can be placed on the next Traffic meeting agenda.

* Councilperson DeWitt was pleased to see the article and picture in the paper on dilapidated structures. Maybe residents will report these houses and/or the owners to the city.

NEW BUSINESS:

Discussion and Approval of a Resolution Authorizing the Execution of an Application for a Grant Through the Community Participation Program for Four Seasons Pool/Repairs for \$10,000.

Councilperson Wood made a motion to accept and approve the application for a grant for Four Seasons Pool/Repairs for \$10,000, seconded by Councilperson Simms. Motion carried unanimously.

Election of Mayor & Vice Mayor.

Councilperson Saunders nominated Dennis Wallace as Mayor, seconded by Councilperson Wood. Nominations were closed. Motion carried unanimously.

Councilperson Wood nominated Eugene Saunders as Vice Mayor, seconded by Councilperson DeWitt. Nominations were closed. Motion carried unanimously.

MANAGER ITEMS:

Appointment to the Moundsville Fire Civil Service Commission. (Chamber of Commerce Appointment)

Manager Hendershot advised that he received letters from two interested parties. Carl Boso applied but is unable to serve on the Fire Civil Service Commission because he is already a member of the Zoning Appeals Board. Kenny Rhodes also applied and has no conflicts with other boards or commissions.

Councilperson Saunders made a motion to appoint Kenny Rhodes to the Moundsville Fire Civil Service Commission, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. DeWitt, Remke, Saunders, Wood and Mayor Wallace voting yea. Simms voting nay. 5 yeas, 1 nay. Motion carried.

Dilapidated Structure Article in Local Newspapers.

Manager Hendershot commended Fire Chief Clarke on the article that was placed in local newspapers concerning the dilapidated structures in Moundsville.

On Track Program.

Manager Hendershot advised council of an "On Track Program" supported by the Governor. His goal is to boost economic and community growth for West Virginia downtowns and neighborhoods. There will be a meeting Thursday, February 9, 2012 at Blennerhassett in Parkersburg WV. Councilperson Remke would like to attend.

Thank You Letter.

Manager Hendershot received a letter from the Moundsville Foursquare Church thanking the City Manager and Street Department for the handicap parking in front of the church.

Councilperson Simms made a motion to receive & file the thank you letter, seconded by Councilperson Saunders. Motion carried unanimously.

Community Design Program.

Manager Hendershot reported that Margaret Stout, Assistant Professor of WVU, Division of Public Administration, would be available to meet with council on February 3 & 4, 2012 or with a small group of students at the WV Municipal League Conference. Council agreed on February 3 & 4, 2012. Manager Hendershot will notify Ms. Stout.

WV Redevelopment Collaborative.

Manager Hendershot received an email from Carrie Staton, WV Redevelopment Collaborative Coordinator, thanking Moundsville for participating in the Extreme Makeover: Brownfields Edition on December 2, 2011. She has made herself and their office available to assist with any questions that council or the team may have.

Utility Line Service Inc.

Manager Hendershot reported receiving a letter from Albert Saussel of Utility Line Service Inc advising him that Moundsville had a 5.73% response rate and 169 residents participated in the water/sewer line insurance.

Other Items Discussed by Manager.

Manager Hendershot wished to thank all of council for their assistance and support and the department heads as well. A lot of things have been accomplished like Fostoria project; Water/Sewer separation project; the Water Treatment facility; the Street Department garage; the Police Department moving into their own building; the Fire Department obtaining all the equipment needed; and moral of employees is better than it has been.

MAYOR ITEMS:

* Mayor Wallace wished to thank council for their vote of confidence on electing him as Mayor for another year. He stated 2012 will be his last year as councilperson at large.

* Mayor Wallace expressed that he will miss Manager Hendershot, his professionalism and dedication to the City of Moundsville.

* Mayor Wallace wished everyone a Merry Christmas & Happy New Year.

COMMITTEE ITEMS:

Discussion of Recommendations by the Finance Committee.

1. Discussion of Pay Increase for Acting City Manager Position. Committee recommends appointment of Interim City Manager and Approve Contract.

Councilperson Saunders made a motion to appoint Officer Supervisor Deanna J. Hess as the Interim City Manager and approve her contract with the city, seconded by Councilperson Wood. Motion carried unanimously.

2. Discussion of Citizens Police Academy. Committee recommends authorizing Chief of Police to move forward.

There was no vote on the recommendation. Chief Mitchell will proceed with Citizens Police Academy.

3. Discussion of Utilizing Funds from the Valley Fork Parking Lot Rental for Recreation. Committee recommends to utilize funds to offset costs in Parks & Recreation.

Councilperson Saunders made a motion to utilize the parking lot rental funds from Price Gregory for Parks & Recreation, seconded by Councilperson DeWitt. Motion carried unanimously.

4. Discussion of Selling the Police Departments Vehicle Scales. Committee recommends to authorize the sale of the scales.

Councilperson Saunders made a motion to authorize the sale of the Police Department scales, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion of Recommendations by the Traffic Committee.

1. Discussion of Intersection at Fifth Street & Jefferson Avenue. Committee recommends extending yellow lines five feet from south/west and south/east corners of Jefferson Avenue.

Councilperson Simms made a motion to paint the curb at Fifth Street & Jefferson Avenue, seconded by Councilperson Saunders. Motion carried unanimously.

2. Discussion of Request for Red Curb Line at Tri-State Ambulance on 11th Street. Committee recommends painting length of driveway yellow.

Councilperson Simms made a motion to paint the curb yellow the length of the driveway in front of Tri Sate Ambulance, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion of Recommendations by the Policy Committee.

1. Discussion & Review of Proposed Employee Policy Manual. Committee recommends scheduling a special council meeting 6:00 p.m. on January 3rd & January 17th before regular council meetings to review manual.

Councilperson Wood made a motion to schedule a special council meeting one hour before the January 3rd & January 17th regular council meeting to discuss and review the employee policy manual, seconded by Councilperson Remke. Motion carried unanimously.

2. Discussion and Approval for Abandonment to Marshall County Co-op Storm Water/Sewer Line. Committee recommends to direct the City Attorney to draft the ordinance.

Councilperson Wood made a motion to direct the City Attorney to draft an ordinance for abandonment to Marshall County Co-op Storm Water/Sewer Line, seconded by Councilperson Simms. Motion carried unanimously.

COUNCIL ITEMS:

* **Saunders** - Said it has been a pleasure working with Manager Hendershot and he will be missed.

* Wished everyone a Merry Christmas and Happy New Year.

* Asked for an update on Sanford Center. Manager Hendershot reported there were no major projects to report. He also asked why he was unable to paint the room he rents from Sanford Center to black & gold. Manager Hendershot advised he would bring this request to the Sanford Board.

* Commended the Police Department on the work they have done at the new Police Department building.

* **Remke** - Wished good luck to Manager Hendershot on his retirement. Great job he has done.

* Wished everyone a Merry Christmas & Happy New Year and hopes everyone will remember the true meaning of Christmas.

* Thanked the Department Heads for the job they do and the team effort.

* **DeWitt** - Wished to thank Price Gregory for their donation of \$6,000 to Shop with a Cop program. Sixty children were able to shop because of the donation.

* Wished everyone a Merry Christmas and Happy New Year.

* **Wood** - Asked if the house on North Street had been razed? Manager Hendershot affirmed the razing.

* Is happy to see the Fostoria project is moving along.

* Expressed his thanks & Merry Christmas to all employees of the City of Moundsville. At

times they are not given credit for the work they do.

* Has appreciated City Manager Hendershot for his professionalism and dedication to the City of Moundsville.

* Wished everyone a Merry Christmas.

* **Simms** - Merry Christmas to everyone.

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

Meeting adjourned at 8:43 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor