

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MAY 3, 2011**

The Council of the City of Moundsville met in regular session in the Council Chambers on May 3, 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 Sgt. Whipkey, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Mercer, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of April 19, 2011.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of April 19, 2011, seconded by Councilperson Saunders. Motion carried unanimously.

Presentations:

Mayor Wallace and City Manager Hendershot presented Police Chief Jim Kudlak with a plaque and service revolver for his 31 years of service in the Moundsville Police Department.

Mayor Wallace, City Manager Hendershot and Parks & Recreation Board members presented Recreation Director Tom Sutton a plaque and gift for his 36 years of service in the Recreation Department.

GENERAL PUBLIC HEARING:

* Tim Harrison, 1012 Thompson Avenue, complained to council that he was opposed to the variance to be held before the Zoning Appeals Board from David Bledsoe, 1007 Thompson Avenue who is requesting permission to have campgrounds on his property. Mr. Harrison also commented that neighbors and walkers are uncomfortable about transient workers that will be staying in the campground.

Manager Hendershot reported that request will not be brought up on May 4 at the Zoning Appeals Board for a variance. Mr. Bledsoe's property requires a zone change, which will have to come before the Moundsville Planning Commission.

* Sandy Yoho, 416 Annadale Avenue, wished to thank the Moundsville Fire Department and the

Street Department for a great job during and after the fire at 425 Annadale Avenue.

* Dan Ferrel, Thrasher Engineering, representing Marshall County Public Service District #3, is asking permission from council to consider the installation of a new booster pump station to be located at 25 Division Street in an R-G zone.

* Ronald Cochran, owner of property at 218 Baker Avenue, was present for first reading of the zone change ordinance for a repair shop on Baker Avenue.

OLD BUSINESS

Discussion and Approval of an Ordinance Pertaining to Sanitation Rate Increase. (Third & Final Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING SECTION 953.09 AND 953.10 OF THE CITY CODE TO PROVIDE FOR INCREASED FEES FOR GARBAGE COLLECTION. (THIRD & FINAL READING)

Councilperson Simms made a motion to accept and approve the sanitation rate increase ordinance, seconded by Councilperson Remke.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Haynes, Remke, Simms, Wood and Mayor Wallace voting yea. DeWitt and Saunders voting nay. 5 yeas, 2 nays. Motion carried.

Discussion and Approval of an Ordinance Pertaining to the Adoption of State, National and International Building Codes. (Second Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 1731.01 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF THE STATE BUILDING CODE AND VARIOUS NATIONAL AND INTERNATIONAL CODES. (SECOND READING)

Councilperson Wood made a motion to accept and approve the Building Code ordinance, seconded by Councilperson Saunders.

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

Discussion and Approval of an Ordinance Concerning Regulations, Removal and Prevention of Graffiti. (Second Reading)

Councilperson Saunders made a motion to accept and approve the graffiti ordinance, seconded by Councilperson DeWitt.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Remke, Saunders, Wood, Mayor Wallace, DeWitt and Haynes voting yea. Simms voting nay. 6 yeas, 1 nay. Motion carried.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, ENACTING ARTICLE 1111 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF AN ORDINANCE PROVIDING FOR THE REGULATION, REMOVAL AND PREVENTION OF GRAFFITI, AND PROVIDING PENALTIES FOR VIOLATIONS. (SECOND READING)

Discussion and Approval of a Request from the Moundsville Planning Commission to Install a Booster Pump in an R-G Zone.

Councilperson Simms made a motion to approve the request from the Moundsville Planning Commission to install a booster pump in an R-G zone at 25 Division Street, seconded by Councilperson Saunders. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson DeWitt asked for the status on the street light requested for 1208 Fourth Street. Manager Hendershot submitted the order and thinks there may be a question about the exact location for the pole.

* Councilperson DeWitt reported pot holes on Garfield Street between Pearl Street & 12th Street.

* Councilperson DeWitt received several complaints during the mock riot concerning residents not being able to park in front of their homes. This not only happens during the mock riot but Also, during the haunted house, the Home Expo and Elizabethtown Festival. Manager Hendershot said he will meet with MEDC concerning the parking.

* Councilperson Saunders asked for the status of the city's East End property concerning abandonment. Manager Hendershot commented of no further action was taken on the property.

* Councilperson Saunders asked if the alley that runs north & south between Second Street & Center Street and Olive Avenue & Mulberry Avenue has been abandoned. Manager Hendershot advised that he will have the alley researched.

* Councilperson Saunders asked why nobody is working at the Fostoria site? Manager Hendershot reported that RAZE has been working there every day. They have knocked the stacks down and most of the concrete basement knocked out. They are ready to start filling.

* Councilperson Remke asked for the status of security at the city building. Manager Hendershot reported Police Chief Kudlak referred the study to Lt. Murray.

* Councilperson Remke asked for an update on the property at 1016 Second Street. Councilperson Saunders reported that building has been purchased.

* Councilperson Remke asked that several items be discussed at the Policy Committee meeting: Buildings used for storage on Jefferson Avenue & Rental Property Ordinance.

* Councilperson Remke asked if Chief Kudlak spoke with Karen Rogerson concerning the Crime Watch Program. Sgt. Whipkey reported that Officer Crow will be speaking with her.

* Councilperson Remke discussed houses shaking on Mulberry Avenue & Meighen Avenue when trucks drive by.

* Councilperson Remke reported stuff piled on the front porch at 800 Second Street. Manager Hendershot reported that officers are accessing the situation.

* Councilperson Remke reported the houses at 104 & 107 Sycamore Avenue are in deplorable condition.

* Councilperson Remke reported 1224 Second Street a couple of weeks ago. Fire Chief Clarke reported the house is structurally sound and there is no sign of cats or rats.

* Councilperson Remke reported a trailer at 10th & Garfield Street was removed and left trash and junk in yard.

* Councilperson Remke reported on Garfield Street & Diamond Street trailer windows are boarded up.

NEW BUSINESS:

Discussion and Approval of a Zone Change Ordinance from R-G to C-C at 218 Baker Avenue. (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 COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA ON BAKER AVENUE IN THE CITY OF MOUNDSVILLE FROM A GENERAL RESIDENTIAL ZONE TO A CENTRAL BUSINESS ZONE. (FIRST READING)

Councilperson Saunders made a motion to accept and approve the zone change ordinance for 218 Baker Avenue, seconded by Councilperson Wood.

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

Receive & File the Moundsville Sanitary Board 2011-2012 Budget.

Councilperson Simms made a motion to receive and file the Moundsville Sanitary Board budget, seconded by Councilperson DeWitt. Motion carried unanimously.

Receive & File the Moundsville Stormwater Board 2011-2012 Budget.

Councilperson Wood made a motion to receive and file the Moundsville Stormwater Board budget, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of a Resolution Providing that Participation in the City of Moundsville Pension Plan Shall be Offered Only to Full-Time Employees.

Councilperson Saunders moved to approve the resolution concerning employee pension, seconded by Councilperson Wood. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson DeWitt asked if the gates behind the prison are supposed to be open? Manager Hendershot reported they are not.

* Councilperson Saunders requested more patrol at the Four Seasons Pool parking lot.

* Councilperson Remke reported the hanging flower baskets are in.

* Councilperson Remke asked that the Police Department and Fire Department combine their reports of vacant, dilapidated structures & abandoned buildings with the report from the Building Inspectors.

* Councilperson Remke would like to be able to have a TIF program in Moundsville and asked that Manager Hendershot approach the Marshall County Commission for assistance.

* Councilperson Remke requested the city replace the tree, bench and garbage can at Third Street & Jefferson Avenue.

* Councilperson Remke announced the Farmers Market will be held the months of June through October on Jefferson Avenue and hopes the city will allow the vendors to use the city lot to park their trailers and vehicles. Requested this be added to the Traffic Committee agenda.

* Councilperson Remke is requesting the sidewalk ordinance be changed from 4 ft to 8 ft for the Farmers Market. Requested this be added to the Policy Committee agenda.

* Councilperson Remke asked if there are any city fees the vendors may have to pay. Manager Hendershot advised that vendors who grow their own produce do not have to pay for a license.

* Councilperson Remke requested items to be placed on the Policy Committee agenda: Liquor license ordinance and signage on the Central Business District.

* Councilperson Remke requested signs on Jefferson Avenue showing times of street sweeper cleaning from 3:00 a.m. to 6:00 a.m.

Street Commissioner Richmond reported the street sweeper operator does not start work until 4:00 p.m., and if you install signs listing one street to be cleaned at certain times, all streets will have to be posted with times. Referred this item to Traffic Committee.

* Councilperson Remke reported the Jefferson Avenue Business District is hoping to install a sound system on Jefferson Avenue from Second Street to Fifth Street for upcoming events.

* Councilperson Remke invited Vice Mayor Saunders to the Revitalization Meeting on May 12 at 8:30 a.m., at his store.

MANAGER ITEMS:

102 Jefferson Avenue Update.

Manager Hendershot reported the city's efforts to raze the property at 102 Jefferson Avenue is proceeding by following the Nuisance and Abatement ordinance.

City of Moundsville Water Bond Deficiencies.

The City of Moundsville received notification from the West Virginia Water Development Authority (WDA) that the Water Board is delinquent in the water bond payments. The WDA has requested the city provide them with a deficiency-reduction plan within twenty days. If the city does not comply, the WDA will consider filing a complaint with the PSC to request an increase in rates and/or the imposition of a surcharge that would remain in place until the

deficiency has been cured.

Other Items to be Discussed by City Manager.

* Manager Hendershot spoke best wishes to Jim Kudlak and Tom Sutton.

MAYOR ITEMS:

* Mayor Wallace appointed an advisory committee to work with the City Manager in hiring a new Police Chief. He announced his appointments are as follows: Councilperson Saunders, Councilperson Wood and Mayor Wallace.

* Mayor Wallace spoke best wishes to Jim Kudlak and Tom Sutton, they will be missed.

COMMITTEE REPORTS:

Councilperson Saunders scheduled a Finance Committee meeting on May 10, 2011 starting at 5:00 p.m.

Councilperson Wood scheduled a Policy Committee meeting following the finance meeting.

Councilperson Simms scheduled a Traffic Committee meeting following the policy meeting.

COUNCIL ITEMS:

* **Haynes** - Asked who was responsible for the grass between the curb and the sidewalk. Manager Hendershot reported that area being the parkway and the resident is responsible.

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

* **Saunders** - Reported he is still receiving complaints about the yard at 1800 Penn Street, he is aware the vehicle is now legal and the items in the back of the truck are bags of cans, not trash.

* Reported complaints of rats at 327 Sycamore Avenue.

* **DeWitt** - Reported rebar showing on Rt. 2 existing McDonalds.

* **Remke** - Reported high grass at 300 Pine Avenue.

* **Wood** - Asked for an update of the Sanford Center. Manager Hendershot reported they are moving along. Events being scheduled for the use of the gym.

* Requested the paving list be discussed at the Traffic Committee meeting.

* Congratulations to Tom Sutton and Jim Kudlak on their retirements.

Councilperson Wood made a motion to hold an executive session for personnel matter, seconded by Councilperson Saunders. Motion carried unanimously.

Meeting recessed at 8:29 p.m.

Meeting reconvened at 8:33 p.m.

Executive Session began at 8:33 p.m.

Executive Session recessed at 8:48 p.m.

Regular Session reconvened at 8:48 p.m.

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

Meeting adjourned at 8:49 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor