

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
OCTOBER 2, 2007**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on October 2, 2007 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson Mark Simms.

City Clerk called the roll and the following councilpersons were in attendance: Cunningham, Haynes, Vice Mayor Lemasters, Simms and Mayor Wallace. Absent: DiRemigio (ill) and Wood (family illness). Also present: City Manager Hendershot, Fire Chief Clarke, Street Foreman Chuck Richmond, Building Inspector Vickers, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: Chief Kudlak.

MINUTES:

Regular Council Meeting of September 18, 2007.

Councilperson Simms made a motion to accept and approve the minutes of the regular council meeting of September 18, 2007, seconded by Councilperson Lemasters. Motion carried unanimously.

Presentation to David Robinson.

Manager Hendershot presented a plaque to retired Police Lieutenant David Robinson for his 31 years of service.

GENERAL PUBLIC HEARING:

* David Knuth representing the Strand Restoration Committee introduced Milton Neal, a board member of the Strand Theatre, has asked the City of Moundsville for assistance in funding the Strand interior renovations.

Manager Hendershot advised that council has already passed a budget for 2007-2008 if council wished to donate funds on an annual basis, the decision would have to be made before the next budget.

Councilperson Lemasters will bring this request to the attention of the Finance Committee.

* John & Linda Wilson, 1518 Fourth Street, complained of the house at 1514 Fourth Street which had been on fire and never tore down. The smell and the sight is a nuisance. Also reported the house located at 1417 Third Street has very high weeds in the yard.

Fire Chief Clarke reported the house at 1514 Fourth Street is part of an investigation and pending litigation in which he can not discuss specifics at this time. However, the owner can be informed to keep the grass cut.

* Bobbie Luikart, 1517 Fourth Street, reported that kids play in the area of 1514 Fourth Street and hopes that nobody gets hurt. Ms. Luikart asked that the city have the owner cut the grass.

* David White, 406 Clinton Avenue, asked why the city's bucket truck is at Boso's. And the amount of tonnage the garbage trucks hold.

Street Foreman Richmond reported the brake line needs repaired on the bucket truck. And the amount of tonnage of one truck is approximately 7 tons.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Outdoor Off-Premises Advertising Signs. (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 SECTION 1389.11 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROHIBIT OUTDOOR OFF PREMISES ADVERTISING SIGNS WITHIN 500 FEET OF A PUBLIC PARK IN THE CITY. (SECOND READING)

Councilperson Lemasters made a motion to approve the ordinance pertaining to advertising signs, seconded by Councilperson Simms.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. 4 yeas, 1 nay. Haynes voting nay. Motion carried.

Other Items to be Discussed by Council.

* Councilperson Lemasters asked where the city stands on asphaltting the section of the Valley Fork walking trail that was damaged in the flood last year? Manager Hendershot advised that Street Commissioner Richmond received some information on the trail and hopes it will be finished before the weather changes.

* Councilperson Haynes reported houses at 21 & 23 Simpson Avenue need cleaned up and the front porch is falling off. Owners moved from 21 Simpson Avenue to 23 Simpson Avenue. Manager Hendershot advised the Police Department is aware of the situation and have sent

letters to the owner. Building Inspector Vickers reported that he spoke to the Realtors who are trying to sell the property.

* Councilperson Cunningham reported ATV's riding on the Riverfront Walking Trail.

NEW BUSINESS:

Discussion and Approval of a Resolution for the Brownfields Grant Application.

The resolution will authorize submitting the application of a \$200,000 cleanup grant under the Brownfields Grant. This is a \$40,000 match from the city. Copies of the grant application may be reviewed at the City Clerk's Office.

Councilperson Simms made a motion to submit the grant application, seconded by Councilperson Lemasters. Motion carried unanimously.

Discussion of Date and Time for Trick or Treat.

Councilperson Simms made a motion to schedule Trick or Treat in Moundsville on Wednesday, October 31, 2007 from 6:00 to 7:30 p.m., seconded by Councilperson Lemasters. Motion carried unanimously.

Discussion and Approval of Requisition #23 for the Moundsville Water Treatment Plant Project.

Councilperson Simms made a motion to approve Requisition #23 for the Moundsville Water Treatment Plant, seconded by Councilperson Haynes. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Simms announced that a group that used to raise money for recreation has approximately \$5200 they are willing to donate toward resurfacing the East End basketball courts if the city matches the amount. Councilperson Lemasters will refer the information to the Finance Committee.

* Councilperson Lemasters reminded citizens and council to take advantage of the tire collection at the Marshall County Fairgrounds October 13, 2007 from 8 a.m. to 4 p.m.

* Councilperson Lemasters announced the Water Department is replacing fire hydrants in the city.

MANAGER ITEMS:

Letter of Appreciation from Northern Regional Jail & Correctional Facility.

Northern Regional Jail Administrator, James Spencer, sent a letter to extend his sincere appreciation to the Moundsville Police Officers for their assistance on September 11, 2007 to apprehend an escaped inmate.

Councilperson Simms made a motion to receive and file the letter of appreciation, seconded by Councilperson Lemasters. Motion carried unanimously.

Zoning Appeals Attorney Vacancy.

Manager Hendershot announced that he has filled the vacancy for Zoning Appeals Attorney by Jeremiah Gardner.

Research of Property at 1108 Thompson Avenue.

Attorney White reported that he researched the question as to whether or not Mr. Dwight Cunningham's property at 1108 Thompson Avenue could be zoned from R-M to Industrial. Mr. White advised the lot does not meet the minimum requirements for an industrial zone.

Mayor Wallace moved to bring from the table the request from the Planning Commission to change the property at 1108 Thompson Avenue from R-M to Industrial, seconded by Councilperson Lemasters. Motion carried unanimously.

Councilperson Simms made a motion to approve the zone change, seconded by Councilperson Haynes. 3 nays, 1 yea, 1 abstain. Haynes voting yea, Cunningham abstain. Motion failed.

Legal Certifications by Attorney White.

Attorney White presented three legal ads published in the Moundsville Daily Echo to be received and file by council:

1. Zoning Variance - 210 Tomlinson Avenue
2. Bids for (8) Breathing Apparatus' - Fire Department
3. Ordinance Pertaining to Outdoor Burning & Fires

Councilperson Simms made a motion to receive and file the legal ads, seconded by Councilperson Lemasters. Motion carried unanimously.

MAYOR ITEMS:

* Mayor Wallace expressed his gratitude to Mr. Dwight Cunningham for tearing down the dilapidated building on his property at 1108 Thompson Avenue and will help him in the future when he acquires the neighboring portion of property. But if the property does not meeting the required specifications for an Industrial Zone he can not vote for that change.

* Mayor Wallace wished to thank David Robinson for his 31 years of service on the Police Department.

COMMITTEE REPORTS:

Councilperson Lemasters called for a Finance Meeting on Tuesday, October 9, 2007 at 6:00 followed by a Traffic Meeting, Policy Meeting and Sanitation Meeting.

COUNCIL ITEMS:

- * **Lemasters** - Asked about the Police Department promotions. Manager Hendershot advised the time period has not passed for the appeal on the Corporal position.
- * Asked if more streets were going to be paved before winter. Manager Hendershot stated it was too late to pave but the city will start again in the spring.
- * Reported vehicles short-cutting through the barricades on 7th Street, asked for police to patrol.
- * Requested the line item in Recreation for gas and vehicle repairs be increased the amount is very low.
- * Asked if Leaf-Vac is ready for fall.
- * Asked if the call-out procedure is the same for Street Department and Police Department. Manager Hendershot advised that call-out is emergency, officers who report for court are aware of court hearings in advance. Requested this item be discussed at the Policy Meeting.
- * **Haynes** - Reported a house that needs tore down at 1st & Olive behind the remodeled house.
- * **Cunningham** - Reported a tree needs trimmed at 1400 block of Ruby Street.
- * Asked if the building behind the prison is going to be finished this year. Manager Hendershot advised he would like for it to be done this year if the engineers review is positive.
- * Commended the Street Department for fixing the alley at Ash Avenue.
- * Asked for an update on the Gordon's building. Manager Hendershot reported the city conducted a search via search warrant, notification has been sent to owners, but the property is very close to being sold and razed.
- * Was Kesselring notified of his sidewalk problem at 106,108 & 110 Cedar Avenue? Manager Hendershot advised that he and Jim Richmond looked at the problem.
- * Reported sidewalk problem at Roller Rink.

* Extend yellow line at WesBanco. Work order already done on request.

* Asked if Chief Clarke spoke with Krogers about the prescription pickup window. Chief Clarke advised that he had given them several suggestions such as speed bumps and cross walks.

* **Simms** - Reported stored vehicles in yard behind Center Street between Cedar Avenue & Ash Avenue.

Councilperson Simms made a motion to hold an executive session for property acquisition and litigation, seconded by Councilperson Haynes. Motion carried unanimously.

Meeting recessed at 8:12 p.m.

Meeting reconvened at 8:20 p.m.

Executive Session began at 8:20 p.m.

Executive Session recessed at 9:21 p.m.

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

Meeting adjourned at 9:22 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor