

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
DECEMBER 21, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on December 21, 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 Commissioner Richmond, Building Inspector Schneider, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of December 7, 2010.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of December 7, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

Presentation of House Decorating Winners.

Mayor Wood presented awards to Honorable Mention, Jonna & Jordan Cunningham, 1301 Fourth Street; Third Place, Mark & Gina Hedrick, 1419 Second Street; Second Place, Kim & Denny Kidd, 1215 Second Street; and First Place, Ted & Beth Hasket, 1908 Center Street.

GENERAL PUBLIC HEARING:

* Brad Varlas, 1107 12th Street, represented the Moundsville Volunteer Fire Department, thanked council for another good year. The MVFD will be providing council with yearly reports at the next council meeting.

* Larry Vucelick, 27 Simpson Avenue, asked council if they would be interested in a pine tree for the Riverfront Park or other parks in the city. Mr. Duffy of 10 Drummond is going to remove a pine tree from his yard and would like the city to have it. Councilperson Saunders will ask the Parks & Recreation Board.

OLD BUSINESS:

Discussion and Approval of an Ordinance Providing for a Zone Change Located at 400 11th Street. (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, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA ON 11TH STREET IN THE CITY OF MOUNDSVILLE FROM A MULTI-FAMILY RESIDENTIAL ZONE TO A COMBINED INTEGRATED COMMERCIAL CENTERS ZONE. (SECOND READING)

Councilperson Haynes made a motion to accept and approve the zone change ordinance, seconded by Councilperson Simms.

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

Other Items to be Discussed by Council.

* Councilperson Saunders asked if the Curtis Avenue residents are interested in taking possession of the property at East End that the city has agreed to abandon? Manager Hendershot noted that all residents but one that have contacted are willing to take possession of the property.

* Councilperson DeWitt asked Chief Kudlak if and when the scales will be used? Chief Kudlak reported that officers are certified and can start utilizing the scales.

* Councilperson DeWitt asked Manager Hendershot if the Building Inspectors have notified the RV owners of regulations pertaining to the campers as temporary and permanent? Manager Hendershot reported that Building Inspector Mercer has prepared a letter containing information from FEMA that describes how the skirting can not be permanently attached.

NEW BUSINESS:

Election of Mayor & Vice Mayor.

* Councilperson Young nominated Dennis Wallace as Mayor, seconded by Councilperson Saunders. Councilperson Simms closed nominations.

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

* Councilperson DeWitt nominated Gene Saunders as Vice Mayor, seconded by Councilperson

Wallace. Councilperson Wallace closed nominations.

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

Discussion and Approval of the Recommendation by the Planning Commission for a Zone Change at 1006 Thompson Avenue.

Councilperson Saunders made a motion to direct the City Attorney to draft a zone change ordinance for 1006 Thompson Avenue, seconded by Councilperson DeWitt.

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

Receive & File the Police Pension Relief Fund Annual Fiscal Year Report as of 06/30/2010.

Councilperson Simms made a motion to receive and file the Police Pension Relief Fund Annual Fiscal Year Report, seconded by Councilperson Saunders. Motion carried unanimously.

Receive & File the Fire Pension Relief Fund Annual Fiscal Year Report as of 06/30/2010.

Councilperson Saunders made a motion to receive and file the Fire Pension Relief Fund Annual Fiscal Year Report, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion and Approval of 2011 Fourth of July Fireworks Bid.

Councilperson Young made a motion to approve the 2011 Fourth of July Fireworks Bid from Schaefer Pyrotechnics in the amount of \$8,200, seconded by Councilperson Saunders.

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

MANAGER ITEMS:

CHANGE, Inc., Job Access Reverse Commute Program.

Manager Hendershot received a letter from Judy Raveaux, CEO of Change Inc., informing him of their decision to eliminate the JARC program in Marshall County due to expenses and mandated 50/50 match. The Change, Inc., office will continue to be open 5 days per week and offer residents of the county access to the other programs.

Family Medical Leave Act (FMLA) Regulations.

Manager Hendershot reported that Moundsville needs to update their FMLA Regulations due to changes on the federal level. The WV Municipal League referred the City Manager to Attorney Ashley Burton who will review the city's policies for \$500 bringing the city up to date with the FMLA Regulations.

Councilperson Wallace made a motion to authorize the City Manager to proceed with contracting Ashley Burton to review the city's FMLA regulations, seconded by Councilperson Young.

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

Other Items to be Discussed by City Manager.

* Manager Hendershot reminded council members, department heads and employees of the city's Christmas Luncheon at 12:00 on December 23, 2010 at the City Garage and wished everyone a Merry Christmas & Happy New Year.

MAYOR ITEMS:

* Mayor Wood presented an article to council members concerning the oil & gas regulations in the State of WV.

* Mayor Wood presented a "Key to the City of Moundsville" to outgoing Councilperson Rick Young.

* Mayor Wood commended the City Manager Hendershot, CPA Kathryn Goddard, the Department Heads, Employees and fellow Council Members for the work they have done during his two terms as Mayor.

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

* Mayor Wood announced that an executive session will follow after the regular session concerning litigation, personnel and real estate matters.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Discussion of Acquiring Knights of Pythias Building. Committee recommends the Police Chief to provide council with a report.

Chief Kudlak explained the report has not been provided by McKinley & Associates at this time.

Councilperson Saunders made a motion to table this item until the report is received from McKinley & Associates, seconded by Councilperson Wallace. Motion carried unanimously.

2. Discussion of City Taking Possession of 102 Jefferson Avenue.

Councilperson Wallace made a motion to take possession of 102 Jefferson Avenue after Attorney White drafts better deed, seconded by Councilperson Saunders. Motion carried unanimously.

3. Discussion of Renewal of Employee Dental Insurance Coverage. Committee recommends remain with present carrier with no rate increase.

Councilperson Wallace made a motion to renew the employee dental insurance coverage with present carrier and no rate increase, seconded by Councilperson Saunders. Motion carried unanimously.

4. Discussion of Cost to Provide Internet Access to City Code. Estimated cost of \$1,950.

Councilperson Wallace made a motion to authorize the City Manager to enter an agreement with Walter Drane Company to provide the Moundsville City Code on the internet, seconded by Councilperson Young. Motion carried unanimously.

5. Councilperson Saunders reported on the Skateboard Park commenting that the process needs to be put out for bid by the Parks & Recreation Board. Another meeting is scheduled for December 29, 2010 at 2:00 p.m. in the Council Chambers.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion of Turn Arrow at Fifth Street & Lafayette Avenue. Committee recommends contacting DOH requesting the “turn arrow” turning east onto Fifth Street.

2. Discussion of Turn Arrow at First Street & Grant Avenue. Committee recommends contracting DOH requesting the “turn arrow” westbound on First Street turning onto Grant Avenue.

* Manager Hendershot reported in reference to the traffic light at 10th & Lafayette Avenue that he spoke with DOH Engineers and are confident the traffic light is fixed and would like council to be at the location to watch the light cycle.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of Ordinance Pertaining to Graffiti in the City. Committee recommends to direct the City Attorney to draft an ordinance pertaining to graffiti.

Mayor Wood directed City Attorney White to draft a graffiti ordinance and present to the Policy Committee in January.

COUNCIL ITEMS:

* **DeWitt** - Announced that the street light she requested on Fourth Street was discovered to be a private owned pole, therefore, AEP can not install a street light on that pole.

* Commended the Officers who participated in the “Kids, Cops & Christmas” program and reported that approximately 50 kids were taken to WalMart to shop for themselves or their family members.

* Wished everyone a Merry Christmas & Happy New Year.

* **Saunders** - Asked if a work order has been done for the garbage around the house on the corner of Sycamore Avenue. Fire Chief Clarke reported he and the Building Inspector is working on this area.

* Asked for an update on the Sanford Center. Manager Hendershot reported the center was notified they are receiving a \$5,000 grant for a kids exercise program. They are continuing to move forward reviewing goals from last year which most have been met.

* Wished to thank Mayor Wood for an excellent job as mayor for the last two years.

* Wished everyone a Merry Christmas & Happy New Year.

* **Haynes** - Nothing at this time.

Simms - Asked if the City Manager could provide him with a list of liens the city has on properties in Moundsville.

* Wished everyone a Merry Christmas & Happy New Year.

* **Wallace** - Wished to thank Councilperson DeWitt for all the goodies she made and provided council for tonight’s meeting.

* Wished to thank Councilperson Young for representing the citizens of Moundsville and for making the best decisions he thought were necessary at the time.

* Wished to thank council for electing him as Mayor and stated the position will be tough to fill the seat of Mayor Wood.

* Congratulations to Councilperson Saunders as Vice Mayor.

* Wished everyone a Merry Christmas & Happy New Year.

* **Young** - Wished everyone a Merry Christmas & Happy New Year.

* Thanked council members for all the kinds words and expressed how great it was working with this council for the last two years.

* Thanked Councilperson Wallace for being open and honest. And thanked Mayor Wood for a great job.

* Wished to thank City Manager Hendershot, the Department Heads, CPA Kathryn Goddard and employees.

Councilperson Wallace made a motion for an Executive Session for personnel, litigation and real estate matters, seconded by Councilperson Saunders. Motion carried unanimously.

Meeting recessed at 7:53 p.m.

Meeting reconvened at 8:00 p.m.

Executive Session recessed at 8:39 p.m.

Regular Session reconvened at 8:39 p.m.

Councilperson Saunders made motion to authorize the City Attorney to settle the Moundsville Ventures lawsuit on the terms discussed in Executive Session, seconded by Councilperson Haynes.

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

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

Meeting adjourned at 8:40 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor