

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
DECEMBER 4, 2007**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on December 4, 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: DiRemigio, Cunningham, Haynes, Vice Mayor Lemasters, Simms, Wood and Mayor Wallace. Also present: Acting City Manager Deanna J. Hess, Police Chief Kudlak, Asst. Fire Chief Ullom, Street Commissioner Richmond, Building Inspector Wise, CPA Kathryn Goddard, Attorney Thomas White and City Clerk. Absent: City Manager Hendershot (vac), Fire Chief Clarke (sick).

**MINUTES:**

**Regular Council Meeting of November 20, 2007.**

Councilperson Simms made a motion to accept and approve the minutes of the regular council meeting of November 20, 2007, seconded by Councilperson Wood. Motion carried unanimously.

**OLD BUSINESS:**

**Discussion and Approval to Direct City Attorney to Draft an Ordinance Banning Utility Trailer Parking on City Streets.**

Councilperson Wood made a motion to direct the City Attorney to draft an ordinance to ban utility trailer parking on city streets, seconded by Councilperson Lemasters for discussion.

Councilperson Simms noted that he has received at least three calls from residents thanking him for turning down the request.

Mayor Wallace commented that utility trailers are becoming a nuisances and council needs to address the problems on city streets.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas, 1 nay. Simms voting nay. Motion carried.

**NEW BUSINESS:**

**Discussion and Approval of an Ordinance to Require Businesses to Notify the City of**

**Business Termination and to Relinquish City License. (First Reading)**

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

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING CHAPTER 705 OF THE CITY CODE TO PROVIDE FOR MANDATORY NOTICE FROM BUSINESSES WHICH CEASE DOING BUSINESS IN THE CITY OF MOUNDSVILLE (FIRST READING)**

Councilperson Wood made a motion to approve the above ordinance, seconded by Councilperson Lemasters.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

**Discussion and Approval of an Ordinance Implementing the Revised “Return to Work” Policy. (First Reading)**

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

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING AN OCCUPATIONAL INJURY MANAGEMENT PROGRAM WITH RETURN-TO-WORK POLICIES THROUGH THE WEST VIRGINIA WORKER’S COMPENSATION COMMISSION. (FIRST READING)**

Councilperson Simms made a motion to approve the return to work policy ordinance, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. 7 yeas. Motion carried.

**MANAGER ITEMS:**

**Presentation of 2008 Fireworks Bids.**

Bids were received from Zambelli Fireworks for \$14,750.00 and Schaefer Pyrotechnics Inc for \$8,500.00. Councilperson Simms made a motion to award the low bid with Schaefer Pyrotechnics in the amount of \$8,500.00, seconded by Councilperson Haynes. Motion carried unanimously.

**Right of Entry Dumpster Agreement.**

The rental and service fee agreement - Residential dumpsters are \$125.00 which includes first pick up, each additional pick up is \$65.00. Construction dumpsters are \$175.00 which includes first pick up, each additional pick up will be \$115.00. A \$10.00 rental fee will be added if the dumpster sets for two weeks.

Street Commissioner Richmond explained that Moundsville needs to keep in line with surrounding cities. Also, contractors have been filling dumpsters with concrete block and brick. When the material is taken to the land fill, the city is charged for the weight of the contents in the dumpsters.

### **Planning Commission Recommendation for Zone Change.**

The Moundsville Planning Commission has recommended to council a zone change at 517 & 519 Eighth Street and 514 & 516 Ninth Street from R-M zone to C-C-C-H zone.

After some discussion and because council did not receive any information as to what establishment would be placed in that area, Councilperson Simms made a motion to table this matter until more information is provided, seconded by Councilperson Lemasters. Motion carried unanimously.

### **WV Municipal League Mid-Winter Conference.**

The WV Municipal League Mid-Winter Conference is scheduled for January 13 & 14, 2007 at the Charleston Marriott. Council members wishing to attend must contact Marilyn Kaufman of the City Manager's Office.

### **Business After Hours December 6, 2007.**

The Marshall County Chamber of Commerce is sponsoring Business After Hours on December 6, 2007 from 5 -7 at Ohio Valley Ford.

### **2007 Christmas Tree Gala.**

Manager Hendershot and Mayor Wallace attended the 2007 Christmas Tree Gala and purchased two Christmas Trees which can be seen at the Moundsville City Building and Mound View Nursing Home.

### **Sanford School Inspection.**

City Manager Hendershot announced that he has scheduled a walk-thru at Sanford School on Thursday, December 27, 2007. At time of 10:00 a.m. was agreed by council members.

### **Other Items to be Discussed by City Manager.**

\* An e-mail was received from Richard King, Uniquely Yours, thanking council for free parking on Jefferson Avenue during the holidays.

\* The Convenient Food Mart has to wait for the bankruptcy to go through before they can do anything with the merchandise.

\* The house at 218 Grant Avenue had fallen in and will be destroyed in January 2008.

\* Acting Manager Hess announced that council and city employees are invited to attend the Abraham & Company Christmas Party on Friday, December 7, 2007, 3-7 p.m.

### **MAYOR ITEMS:**

\* Mayor Wallace commended the Water Board on the ribbon cutting at the new Water Treatment Plant. Attending the celebration was Congressman Mollahan.

### **COMMITTEE REPORTS:**

#### **Discussion and Approval of Recommendations by the Finance Committee.**

Councilperson Lemasters scheduled a Finance Meeting on Wednesday, December 12, 2007 at 6:00 p.m.

\* Councilperson Lemasters informed fellow council members that New Years Day 2008 falls on council meeting night and is also election of Mayor & Vice Mayor.

Council members decided to hold the regular council meeting on **January 2, 2007 at 6:00 p.m.**

#### **Discussion and Approval of Recommendations by the Traffic Committee.**

Councilperson Simms scheduled a Traffic Meeting to follow the Finance Meeting.

#### **Discussion and Approval of Recommendations by the Policy Committee.**

Councilperson Wood scheduled a Policy Meeting to follow the Traffic Meeting.

#### **Discussion and Approval of Recommendations by the Sanitation Committee.**

Councilperson Haynes scheduled a Sanitation Meeting to follow the Traffic Meeting.

Councilperson Haynes also requested a Workshop with the City Manager concerning rates and dumpsters.

## COUNCIL ITEMS:

\* **Haynes** - Asked if the parking problem between residents and Wesley Park has been resolved? Acting Manager Hess advised that Mr. Tush is aware of the problem and will notify her Wednesday.

\* **Simms** - Thanked the Street Department for filling the hole at 5<sup>th</sup> Street & Lafayette Avenue.

\* **Cunningham** - Attended the ribbon cutting for the new Water Plant and commended the Water Board for organizing the brunch held at the NCLETTTC facility.

\* **DiRemigio** - Nothing at this time.

\* **Lemasters** - Requested holes to be filled on Water Street. Also, holes on in alley between Highland Avenue & Poplar Avenue.

\* Attended meeting at John Marshall concerning I68.

\* **Wood** - Thanked Acting City Manager Hess for the update on Convenient Food Store.

\* Asked Don Wise for update on house across from Smith Mart on First Street. Building Inspector Wise reported that owners have been located and served notice to take care of the property.

\* Asked if Mr. Wise notified the owners of house on Jefferson Avenue next to T&E Florist. Mr. Wise advised no action has been taken on this property at this time, but the Building Enforcement Agency has looked at the house previously. Councilperson Wood asked that Mr. Wise pursue this matter.

\* Announced the Marshall County Board of Education is sponsoring a Bond Levy Issue and stressed that taxes will not be increased. The money will be for books, supplies and equipment. Voting will take place on Friday, December 14, 2007.

\* **Cunningham** - Asked Street Commissioner Richmond if trucks will be housed at the prison garage? Mr. Richmond advised that trucks can not be moved around in the building or other equipment can not be stored. The trucks are plugged in every night which allows them to start every morning.

\* Questioned the traffic flow in alley beside Central School. Building Inspector Wise advised this is an access alley beside Central School. Chief Kudlak reported the alley will be one way from Seventh Street to Jefferson Avenue for school buses.

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

Meeting adjourned at 7:40 p.m.

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Sondra J. Hewitt, City Clerk

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Dennis Wallace,  
Mayor