

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MARCH 15, 2011**

The Council of the City of Moundsville met in regular session in the Council Chambers on March 15, 2011 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by City Manager Hendershot.

City Clerk 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 Chief Kudlak, Asst. Fire Chief Walker, Street Commissioner Richmond, Building Inspector Mercer, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of March 1, 2011.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of March 1, 2011, seconded by Councilperson Saunders. Motion carried unanimously.

CONSIDER PUBLIC HEARING:

Discussion and Approval at Public Hearing for the 2011-2012 City of Moundsville General Fund Budget.

Mayor Wallace announced that citizens may speak concerning the 2011-2012 General Fund Budget. Mayor Wallace opened the floor to council members concerning the budget.

Councilperson Saunders made a motion to accept and approve the 2011-2012 General Fund Budget, seconded by Councilperson DeWitt for discussion.

Councilperson Saunders asked if the budget includes the 1.5% raise for employees? CPA Kathryn Goddard advised the budget includes the raises.

Discussion was held on discrepancies concerning parking meters. Ms. Goddard explained that funds are also available to purchase new meters.

Councilperson Remke commented that he would like to use the monies for raises for economic development.

Mayor Wallace noted that council needs to take care of their employees the best they can. Mayor Wallace then called for a voice vote to approve the 2011-2012 General Fund Budget.

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

OLD BUSINESS:

Discussion and Approval Authorizing the City Manager to Sign Deed for the Knights of Pythias Building.

Councilperson Saunders made a motion to authorize the City Manager to sign the deed for the Knights of Pythias building, seconded by Councilperson DeWitt.

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

Other Items to be Discussed by Council.

* Councilperson Saunders requested the alley at the 1800 block of Second Street between Mulberry Avenue & Olive Avenue be discussed at the next Traffic Committee for possible abandonment.

* Councilperson Saunders asked what is being done with the vacant house at 1409 Fourth Street? Attorney White reported the owner has been brought before the Municipal Judge and allowed time to repair house.

* Councilperson Haynes asked for an update on 2 & 2½ Hickory Avenue. Manager Hendershot reported that Fire Chief Clarke has been working on the process.

* Councilperson DeWitt requested Street Commissioner Richmond to re-paint the yellow lines in the city lot at the city building.

* Councilperson DeWitt asked if the Utility Service campaign has a start date? Manager Hendershot said they do not.

* Councilperson DeWitt reported the ground caving in at 1505 Fourth Street between the curb and the sidewalk.

* Councilperson DeWitt asked for the request of a street light on Fourth Street be taken before the Traffic Committee.

* Councilperson Wood asked for an update on the trailer at 17 Hickory Avenue. Building Inspector Mercer reported the trailer is going to be demolished.

* Councilperson Wood asked for an update on the owner of 102 Jefferson Avenue. Attorney

White reported that Mr. French was supposed to contact him but hasn't yet.

* Councilperson Remke asked for an update at 401 Jefferson Avenue. Chief Kudlak reported a work order has been done, police department have tried to contact the owner. Chief Kudlak also reported a metal covering with block over the opening.

* Councilperson Remke asked Vice Mayor Saunders if the request for a landscape architect has been brought before the Parks & Recreation Board? Vice Mayor Saunders advised the Parks & Recreation Board has not met yet.

* Councilperson Remke asked when parkway is going to be repaired in front of 231 Jefferson Avenue. City Manager Hendershot reported hopefully that will be addressed when the Sanitary Board starts their major repairs.

* Councilperson Remke asked if Chief Kudlak obtained prices for security at the City Building. Chief Kudlak reported that he has not completed the request yet.

* Councilperson Remke asked if Manager Hendershot received prices for replacement of the garbage cans, tree and park bench in front of 305 Jefferson Avenue. Manager Hendershot will provide the information to him from the city's insurance company.

* Councilperson Remke asked if Chief Kudlak was able to speak with Mrs. Rogerson concerning the Community Crime Watch program? Chief Kudlak advised that he has not spoken with her yet.

* Councilperson Remke announced a Tourism Meeting on Wednesday, March 16, 2011 at 6:00 p.m. at Grand Vue.

* Councilperson Remke announced a Street Activity Meeting, Monday, April 14, 2011 at 8:30 a.m. at Helping Hands Medical Supply.

NEW BUSINESS:

Discussion and Approval of Executing the Agreement for Voluntary Remediation Plan (VRP) With the Department of Environmental Protection.

Councilperson Remke made a motion to authorize the City Manager to execute the agreement for Voluntary Remediation Plan (VRP) with the Department of Environmental Protection, seconded by Councilperson Wood.

Discussion and Approval of an Ordinance Concerning Water Rates for the City of Moundville. (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 ESTABLISHING AND FIXING RATES, CHARGES AND FEES FOR SERVICE TO CUSTOMERS OF THE WATER SYSTEM OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA. (FIRST READING)

Councilperson Wood made a motion to accept and approve the water rate ordinance, seconded by Councilperson Haynes for discussion.

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

Other Items to be Discussed by Council.

* Councilperson Remke asked the Policy Committee to revise the sign ordinance, the nuisance ordinance, the ordinance pertaining to cost of building permits and the amusement tax ordinance.

* Councilperson Remke is hoping to have a Farmers Market on the Jefferson Avenue sidewalks with the assistance from the Marshall County Fairgrounds Farmers Market.

* Councilperson Remke asked if council knows of any Homeland Security funding for camera's on Jefferson Avenue and Seventh Street area.

* Councilperson Wood asked Councilperson Remke sections of the ordinance he was questioning for the Policy Committee. Councilperson Remke would like to add language to the nuisance ordinance pertaining to hoarders in store fronts.

* Councilperson DeWitt commented on the store going into the old Giant Eagle that is selling construction materials, windows, and doors at a low cost. City Manager Hendershot commented that the store is affiliated with Appalachian Outreach and is available to citizens as well as contractors.

* Councilperson DeWitt asked, if at all possible, to install a drive thru window in the back of the building if the Police Department relocates. Manager Hendershot reported some problems would occur when you move the cashier away from the rest of the office such as partial payments or payment arrangements for citations where the City Clerk would be involved or payment arrangements that would involve the Revenue Collector.

* Councilperson Saunders reported a large area needs patched at 3rd & Ash Avenue and also holes on Annadale Avenue. Street Commissioner Richmond reported the hole at 3rd & Ash Avenue is the responsibility of the Water Department.

- * Councilperson Saunders asked if the garage at 702 Tomlinson Avenue is vacant. Councilperson Remke stated that he sold the garage thinks the owner is using it for storage.
- * Councilperson Saunders reported the street sloping at 3rd & Tomlinson Avenue. Street Commissioner Richmond reported that being Sanitary matter.
- * Councilperson Saunders reported a truck full of garbage with OH plates setting in the back yard at 1800 Penn Street.
- * Councilperson Saunders reported car in back yard and yard being full of garbage at 311 Sycamore Avenue.
- * Councilperson Haynes reported the house at 2nd & Morton Avenue needs cleaned up.
- * Councilperson Haynes reported house at 1900 First Street and 63 Linden Avenue also needs cleaned up.
- * Councilperson Haynes reported a street light needs a brighter bulb at Campground Road & Fostoria Avenue.
- * Councilperson Remke provided Manager Hendershot with the Marshall County Clean Up schedule, one location being Moundsville at the City Garage. Manager Hendershot advised the cleanup is usually at the Fair Grounds and the city assists with equipment, but we don't have the have the project at the city garage. Manager Hendershot will call Howard Coffield.
- * Councilperson Saunders - Reported that Mr. Sutton former Parks & Recreation Director does not wish to have a retirement party, they will order him plaque.
- * Councilperson Saunders announced the Parks & Recreation Board will be hiring summer workers for the grass cutting this summer.
- * Councilperson Haynes announced that Mike Daugherty will be attending the Zoning Appeals Board Meeting on March 24th at 7:00 p.m., in the Council Chambers.
- * Councilperson Saunders reported debris on the property behind the north Rt. 2 Car Wash.

MANAGER ITEMS:

- * Manager Hendershot thanked the Street Department and the Moundsville Fire Department for cleaning up after the flood.
- * Manager Hendershot announced that Street Commissioner Richmond obtained a donation of oil from Warren Distribution. Mayor Wallace requested Manager Hendershot to send a Thank You letter from council.

* Manager Hendershot reported the Street Department accumulated approximately \$15,000 in maintenance and repairs on the bucket truck. Street Commissioner Richmond is able to purchase a used '04 or '05 bucket on a smaller bed truck for around \$5,000 to \$6,000. Manager Hendershot will place the request on the Finance Committee agenda.

* Manager Hendershot announced they received the designs on the windows for the city building. The order should be filled within 4-6 weeks and approximately 5 days to install. The Building Inspectors are also working on the specifications for the Heating & A/C Units.

* Bids were open for the Sanitary Project and were less than projected by the Engineers Burgess & Niple. Apparent low bid for Digester and UV project was Middle Fork Construction Inc in the amount of \$1,161,770. Separation project low bidder was Rover Construction in the amount of \$1,020,527.

* Concerning the walk lights at 3rd Street & Jefferson Avenue, Manager Hendershot reported that DOH will have to perform a study to make the intersection a dedicated walk light in which all four light would be red and green to walk all four ways. DOH does not recommend this option. However, they suggest taking the walk lights down completely or put the No Turn on Red signs back up. Manager Hendershot will place this item on the Traffic Committee agenda.

* Chief Kudlak provided council members with a memo concerning parking at the Knights of Pythias building. Manager Hendershot will place this item on the Traffic Committee agenda.

MAYOR ITEMS:

* Mayor Wallace commended the Street Department and Moundsville Fire Department on their efforts in cleaning the Riverfront area after the flood.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Discussion of Request for City to Participate with Installation of Brackets & Baskets on Jefferson Avenue Light Posts. Committee recommends the Street Department to participate in installing the brackets.

Councilperson Remke made a motion to recommend the Street Department to participate in installing brackets on light poles for baskets, seconded by Councilperson Simms. Motion carried unanimously.

2. Discussion of City Donation to Costs for Christmas Tree in BB&T Lot. Committee recommends to authorize the city to donate staff to assist with installation.

Councilperson Wood made a motion to authorize the city to donate staff to assist with installation of a Christmas Tree in BB&T lot, seconded by Councilperson Remke.

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

3. Discussion of Sanitation Rate Increase. Committee recommends to direct the City Attorney to draft a Sanitation Rate Increase ordinance.

Councilperson Remke made a motion to direct the City Attorney to draft a Sanitation Rate Increase ordinance, seconded by Councilperson Simms.

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

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion of Request for Handicap Parking Space at 3rd Street & Morton Avenue for Polka Dot Restaurant. Committee recommends approving the request.

Councilperson Simms made a motion to approve the request for the handicap parking for Polka Dot Restaurant at 3rd Street & Morton Avenue, seconded by Councilperson Saunders. Motion carried unanimously.

2. Discussion of Request for Handicap Space at 9th Street & Parriott Avenue (New Covenant Church). Committee recommends to grant request for Sundays and for Wednesday from 5:00 p.m. to 9:00 p.m. on the Ninth Street side.

Councilperson Simms made a motion to approve the handicap parking request at 9th Street & Parriott Avenue, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of Request from Congressman McKinley. Committee recommends the City Manager to draft a letter stating city's concerns on infrastructure, unfunded mandates and negative effects of fuel costs on business and private sector.

Manager Hendershot submitted the draft to council for their approval.

2. Discussion of Ordinance Pertaining to Registration of Rental Housing Buildings. Committee recommends to direct the City Attorney to draft an ordinance.

Attorney White will make changes to the ordinance and provide copies at the Policy Committee meeting.

COUNCIL ITEMS:

- * **DeWitt** - Reported the city still has their Christmas Lights up on south Rt. 2. Street Commissioner Richmond advised they took those down today. The bucket truck was being repaired.
- * Reported a tree on Rt. 2 near Wesbanco is broken and hanging over the sidewalk.
- * Requested the alley behind Marshall County Credit Union be grated.
- * **Saunders** - Reported holes on Harmony Drive need filled.
- * Asked if property at East End has been abandon yet? Attorney White reported it has not because it was already abandoned years ago. The city owns one side, property owners have the other side. Attorney White will need a description of every piece of property along that area separately. Consensus of council due to increased cost of transferring property no further action was taken.
- * **Haynes** - Asked when the street sweeper will be running. Street Commissioner Richmond said the sweeper is being ran.
- * **Remke** - Nothing at this time.
- * **Wood** - Announced that he attended the cake bake sale sponsored by the Boy Scouts and purchased 3 cakes on behalf of City Council.
- * **Simms** - Nothing at this time.

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

Meeting adjourned at 8:39 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor