

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JUNE 19, 2007**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on June 19, 2007 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by City Manager Allen Hendershot.

Acting City Clerk Karen Ankrom called the roll and the following councilpersons were in attendance: Cunningham, DiRemigio, Haynes, Vice Mayor Lemasters, Wood, and Mayor Wallace. Absent: Simms and City Clerk Hewitt (illness). Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Building Inspector Wise, Street Commissioner Richmond, Attorney Thomas White, CPA Thomas Dobbs and Acting Clerk Ankrom.

MINUTES:

Regular Council Meeting of June 5, 2007.

Councilperson DiRemigio made a motion to accept and approve the minutes of the regular council meeting of June 5, 2007, seconded by Vice Mayor Lemasters. Motion carried unanimously.

GENERAL PUBLIC HEARING:

Public Hearing on Passage of Hotel/Motel Tax Ordinance

*No one wished to speak on the Hotel/Motel Tax Ordinance.

General Public Hearing

* David White, 406 Clinton Avenue, requested an update on the Fostoria Glass Factory. City Manager Hendershot explained that some abatement needed to be completed before demolition resumes. Manager Hendershot also stated that demolition is about 75% completed. Mr. White also questioned whether the Police Department was permitted to ticket vehicles speeding through the Fairground property; Chief Kudlak confirmed that it is private property and tickets are not issued. Mr. White also stated that he did not see the minutes from the last City Council meeting published in the paper. Mr. White expressed his opposition to the annexation of the Gump property; he does not feel it will be beneficial to the City.

* Brad Varlas, 1107 Twelfth Street, representing the Moundsville Volunteer Fire Department, 1228 First Street, came to express that the 3.3% increase to the VFD contract with the City does not cover the additional expenses of the new ladder truck alone; the rise in utility and fuel cost

have necessitated the requested contribution increase. Mr. Varlas summarized the hours that the VFD provides services to the residents of Moundsville and calculated that, for a cost of \$10.47 per hour, all the manpower and equipment of the department is available. Mr. Varlas explained that this issue was not discussed during the budget process because the VFD was not invited to the meetings; although discussions were held with the City Manager after the hearings. Several officers and members of the department were introduced.

OLD BUSINESS:

Discussion and Approval of an Ordinance Concerning Hotel/Motel Tax. (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 THE CODE OF THE CITY OF MOUNDSVILLE BY PROVIDING FOR AN INCREASE IN THE HOTEL OCCUPANCY TAX WITHIN THE CITY. (SECOND READING)

Vice Mayor Lemasters made a motion to accept and approve the hotel occupancy tax ordinance on second reading, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. Acting Clerk announced the following tally: 5 yeas, 1 nay; DiRemigio voting nay. Motion carried.

NEW BUSINESS:

Discussion and Approval of an Ordinance Concerning Changes to Zoning.

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 SECTIONS 1355.03 AND 1357.03 AND 1359.03 OF THE CODE OF THE CITY OF MOUNDSVILLE, ELIMINATING FUNERAL HOMES AS PERMITTED SPECIAL EXCEPTIONS IN URBAN RESIDENTIAL, GENERAL RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL ZONES IN THE CITY OF MOUNDSVILLE (FIRST READING)

Councilperson Wood made a motion to accept and approve the ordinance concerning changes to zoning on first reading, seconded by Vice Mayor Lemasters.

City Manager Hendershot explained that this was a recommendation from the Planning Commission, and was worded to include the multi-family residential zones.

Mayor Wallace called for a voice vote. Acting Clerk announced the following tally: 6 yeas. Motion carried.

Discussion and Approval of Bid for Paving

City Manager Hendershot explained the only bid received was from Klug Bros Inc for \$43,967 to pave Jefferson Avenue from 10th to 11th Streets. Manager Hendershot explained that assistance from the State has not been forthcoming, prompting Councilperson DiRemigio to make a motion to table the issue and “dress up” the area so that State aid can be further pursued. The motion died for lack of a second. Councilperson Cunningham expressed his concern that the residents of this area have waited several years for this area to be fixed and made a motion to accept the bid and move forward with paving, Councilperson Wood seconded. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning Floyd Gump Annexation.

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, PROVIDING FOR THE ANNEXATION OF 12.211 ACRES, MORE OR LESS, SITUATE IN WASHINGTON DISTRICT, MARSHALL COUNTY, WEST VIRGINIA (FIRST READING)

Vice Mayor Lemasters made a motion to accept and approve the ordinance concerning Floyd Gump Annexation on first reading, seconded by Mayor Wallace.

Councilperson Wood inquired if this was the same property as discussed previously. Attorney White commented that the title needs amended from 12.211 acres to 2.49 acres, per survey and description done by the City Engineer and conversations between Mr. Gump and Manager Hendershot and Attorney White and Attorney Linda Burkey. It was clarified that the “Machine Shop” is included; and Manager Hendershot will confirm that Mr. Gump’s personal residence is also included. Chief Clarke again explained, upon request from Councilperson Wood, that he is concerned about the location of the nearest fire hydrant, especially during inclement weather; he has also unofficially discussed the options with Mr. Gump. Chief Kudlak and Street Commissioner Richmond did not have any concerns with the annexation. Manager Hendershot explained that revenue will increase with the inclusion of property tax and rental income.

Councilperson DiRemigio made a motion to table the issue until verification can be made on the exact property being annexed, Mayor Wallace seconded. Motion carried unanimously.

MANAGER ITEMS:

Meeting on Board of Education Bond Issue.

Manager Hendershot explained that he, Chief Clarke, Chief Kudlak, and Building Inspector Wise

attended a meeting with the Board of Education and their engineers referencing the Bond Issue. Some projects to be completed are demolition of the old High School and maintenance building, renovations to the Field House, room additions to the Junior High, expansion to Cental Elementary, and maintenance garage construction at Park View. Most of these projects will begin later this year. He also confirmed that the possibility still exists for the City to take over Sanford Elementary for use as a community center.

Attorney White interjected that he needed a motion to receive and file four legal ads; Vice Mayor Lemasters made the motion, Councilperson Wood seconded. Motion carried unanimously. The four ads are as follows:

- Zoning Change for 223 Elm Avenue
- Zoning Variance for Garen and Diana Francis at 2501 Center Street
- Sealed Bids for Permanent Improvement of Jefferson Avenue
- Zoning Variance for Lamar Advertising

MAYOR ITEMS:

* Mayor Wallace thanked Tom Dobbs for all of his years of service in helping to turn the City’s financial situation around and for keeping Council informed of the finances. Councilperson Wood would like to offer a letter of thanks to Mr. Dobbs, which will be done.

*Mayor Wallace thanked the Volunteer Fire Department and other residents for coming in.

*Mayor Wallace expressed his pleasure in that the City was doing “rather well” financially.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Recommended Approval of Revisions for the 2006-2007 Budget.

Vice Mayor Lemasters motioned to make revisions to the 2006-2007 budget in the amount of \$115,850, seconded by Mayor Wallace. Motion carried unanimously.

2. Recommended Approval of Renewal of Contract for 2007-2008 Moundsville Volunteer Fire Department.

Vice Mayor Lemasters made the motion to approve the 2007-2008 VFD contract with the 3.3% increase, seconded by Councilperson Wood.

Mayor Wallace expressed first his appreciation for the great job that the VFD does, but is disappointed that the City could not provide funds to the Police department for new weapons and vests nor to the Street Department for a new lift nor significant raises to the City employees.

Discussion was then held on how the addition of the Sanitation revenue has helped considerably with the City finances, and the cost of hiring additional men for the City Fire Department.

Mayor Wallace called for a voice vote. Acting Clerk announced the following tally: 4 yeas, 2 nays; Cunningham and Wallace voting nay. Motion carried.

3. Recommend Approval of Ad for John Marshall High School Football Program.

Vice Mayor Lemasters made the motion to approve the same size ad as last year, at a cost of \$75, for the JMHS Football Program, seconded by Councilperson Haynes. Motion carried unanimously.

4. Recommend Approval of Donation Request from the Marshall County Youth Club.

Vice Mayor Lemasters made the motion to approve a donation of \$250 to the Marshall County Youth Club, seconded by Councilperson Wood. Motion carried unanimously.

5. Recommend Approval of Resolution for Loan Renewals.

Vice Mayor Lemasters made the motion to approve the resolution for the current loan renewals with Progressive Bank, seconded by Mayor Wallace. Motion carried unanimously.

Manager Hendershot explained that, per the State Auditors' review of FY 2004, 2005, 2006, the current loans paid by the City extend beyond one year and, therefore, need amended to a lease that will be renewable each year, with the potential to advertise for better rates.

Discussion was then held on the amount of accumulated debt, the need for lease-purchase agreements used to update City equipment, and the use of the Sanitation Fund revenue.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Recommend Approval of Handicap Request at 2419 Ohio Street.

Councilperson Haynes made the motion to approve the handicap request for 2419 Ohio Street, seconded by Vice Mayor Lemasters. Motion carried unanimously.

2. Recommend Approval of Request to Open Street at End of #3 South Highland Avenue.

Councilperson Haynes made the motion to approve opening the end of the Street at #3 South Highland Avenue, seconded by Vice Mayor Lemasters. This will serve both #1 and #3 South Highland. Motion carried unanimously.

Discussion and Approval of Recommendations by the Policy Committee.

1. Recommend City Attorney to Prepare Ordinance for Revising Condemnation and Demolition Process.

Councilperson Wood motioned to direct the City Attorney to look at and prepare the ordinance pertaining to the condemnation and demolition process, seconded by Vice Mayor Lemasters. Motion carried unanimously.

COUNCIL ITEMS:

* **Cunningham** - Questioned status of six bag limit on garbage. Manager Hendershot confirmed that the issue was discussed at the Oversight Committee meeting; and he and Commissioner Richmond will be meeting to review the process and extra charges, then they will report back to the Oversight Committee.

*Asked if the engineer had looked at the Street Garage to address the issue of not being able to park garbage trucks inside the facility. Commissioner Richmond stated that Jack Tush had looked at the garage and will be making a recommendation; a second engineer has not returned phone call. Manager Hendershot recommended contacting McKinley & Associates to take a look.

* **Wood**- Requested an update on 215 Ash Avenue. Manager Hendershot reported that the house has been sprayed and abated. The County Sheriff has to go through a “notification process” to make sure there are no heirs to make a claim. Attorney White confirmed that a lien will be filed to cover City costs for clean up and engineering review. Manager Hendershot stated that the bank continues to hold a lien on the property.

***DiRemigio** - Expressed his desire to pursue a coal gasification plant for Moundsville. Emphasized that he feels health care, energy, and education are prominent concerns for today’s society; and he desires to work hard to improve conditions for Moundsville residents in particular.

***Lemasters** - Expressed his thanks to Ron Morris, Roger Frame, and Jeff Palmer for their leadership during the “River Sweep” at Riverfront Park.

*Would like notification sent to Consol regarding the debris left along the riverbank.

*Questioned Building Permit requirements for disposal of roofing shingles. Inspector Wise stated that he does, on occasion, ask for receipt of proper disposal.

*Asked Inspector Wise about status of the Shreve property on First Street. Inspector Wise agreed that the structures could be condemned according to the Building Enforcement Code.

*Received complaint from resident about parking meters around the old Mitchells Restaurant. Questioned whether attendant is working on the meters on a regular basis. Manager Hendershot asked for specific information so that he could check into the situation.

*Thanked Tom Dobbs and Jane Criswell for their hard work.

*Councilman DiRemigio interjected his thanks to Tom Dobbs and Jane Criswell for their excellent services.

***Haynes** - Questioned Chief Kudlak about status of car, with “Abandoned” sticker, on Ash Avenue. Manager Hendershot stated that abandoned stickers allow a 10-day grace period; and Chief Kudlak committed to follow up on status.

*Checked with Commissioner Richmond on status of mirror for Cherokee Drive. Commissioner Richmond and Manager Hendershot affirmed that the mirror has been ordered and should be in within a week.

*Stated that a STOP sign on Highland Avenue is hidden by tree branches.

Vice Mayor Lemasters made a motion to adjourn, seconded by Councilperson Wood. Motion carried unanimously.

Meeting adjourned at 8:18 p.m.

Karen L. Ankrom, Acting City Clerk

Dennis Wallace, Mayor