

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MAY 20, 2008**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on May 20, 2008 at 7:00 p.m.

Meeting was called to order by Mayor Wayne Lemasters.

Invocation by Councilperson Mark Simms.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: Cunningham, Haynes, James, Simms, Wallace, Wood and Mayor Lemasters. (Councilperson Cunningham left meeting after roll call.) Also present: City Manager Hendershot, Police Chief Kudlak, Fire Pvt. Walker, Street Commissioner Richmond, Building Inspector Vickers, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: Fire Chief Clarke.

MINUTES:

Regular Council Meeting of May 6, 2008.

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of May 6, 2008, seconded by Councilperson Simms. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Lester Tasker, 1407 Tenth Street, asked for more patrol on 10th Street and reported holes need patched on Tenth Street & Twelfth Street.

* Larry Vucelik, 27 Simpson Avenue, requested a stop sign at Simpson Avenue & Forest Street because of the new houses on Simpson Avenue. Also replace stop sign at Brockner Avenue coming out of Campground. Asked when the basketball courts were going to be resurfaced with funds donated by the East End Complex Committee in the amount of \$5200. Asked if restrooms were going to be opened for the summer at East End & Riverfront Park.

Manager Hendershot advised he would direct the questions about the parks to Recreation Department.

Councilperson Simms made a motion to re-install a stop sign at Brockner Avenue and install a stop sign at Simpson Avenue & Forest Street, seconded by Councilperson Haynes. Motion carried unanimously.

* Rick Young, 222 Birch Avenue, asked council to consider the citizens on fixed incomes when deciding the penalty in the ordinance for maintaining sidewalks.

OLD BUSINESS:

* Councilperson Simms asked if the funds were in a separate account that was donated by the East End Complex Committee. Manager Hendershot advised it was in a separate account and earmarked for the basketball courts. It was discussed that the money be used for repairs to the courts and not resurfacing.

* Councilperson Wood noticed the FOR SALE sign on the property at Lafayette Avenue between 8th & 9th Street. Manager Hendershot reported the sale had not gone through.

NEW BUSINESS:

Discussion and Approval of a Resolution Authorizing the City of Moundsville to Enter into an Agreement with the West Virginia Department of Environmental Protection to Provide Funding for Modifications of the Existing Low Water Bridge at the Former City Landfill.

The bridge was previously constructed with funds from the DEP. The previous winter caused an ice jam which caused flooding of the road upstream. These modifications will hopefully lower the level of the bridge and ice flow. The bridge will be reconstructed with DEP funds which means no cost to the city.

Councilperson Wallace made a motion to approve the resolution authorizing the City of Moundsville to enter into an agreement with the West Virginia Department of Environmental Protection, seconded by Councilperson Simms. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the Execution of a Certain Application for a Grant to the Community Participation Program.

This \$12,000 grant for the 13th Street Riverfront Shelter addition. The Recreation Board has made application for this grant and notification was received several month ago for approval.

Councilperson Wood made a motion to authorize the City Manager to enter into the contract, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing Electronic Bond Payment Through the Municipal Bond Commission.

This is a request from the Moundsville Water Board for electronic bond payments, which are now available. Councilperson Wallace made a motion to approve the resolution to authorize electronic bond payment, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of an Ordinance Pertaining to Nuisance in the City of Moundsville. (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 ARTICLE 1105 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE RE-ADOPTION, WITH AMENDMENTS, OF PUBLIC NUISANCE, NUISANCE ABATEMENT AND DEMOLITION ORDINANCE. (FIRST READING)

Councilperson Wood made a motion to approve the nuisance ordinance, seconded by Councilperson Simms.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 6 yeas. Motion carried unanimously.

MANAGER ITEMS:

Appointment to the Moundsville Housing Authority. (Manager's Appointment)

A letter of intent was received from Bill Hinegardner for the vacancy on the Moundsville Housing Authority. Manager Hendershot will draft a letter of notice to Mr. Hinegardner.

Vacancy's on the Moundsville Planning Commission.

Manager Hendershot announced two vacancies on the Moundsville Planning Commission. Should council members know of anyone wishing to accept a vacancy please submit a letter of intent to the City Manager.

WV Municipal League Annual Summer Conference.

The WV Municipal League Annual Summer Conference will be held in Morgantown on August 13-16, 2008. Reservations can be made through Marilyn.

Other Items to be Discussed by Manager.

* The first report by the State Tax Office has been received. This report is available to council and the public. The city has entered into an agreement with the State Tax Office to investigate a potential loss that was identified in the 2006-2007 General Fund Audit.

* Remind council of the 10 year Anniversary Celebration for Teletech is Wednesday, May 21, 2008 from 11:30 a.m. to 1:00 p.m.

* Ribbon Cutting for CARE Funeral & Crematorium at Second Street & Cedar Avenue will be held on Thursday, May 22, 2008 at 1:00 p.m.

* Congratulations to Police Officers Cpl. Kosek and PFC Wolfe who have been invited to attend the RMH Stars for Life Award Banquet to receive the Stars for Life Award. The award is given to Officers/First Responders who participate in CPR in which a person's life is saved.

* Attorney White submitted a legal ad published in the Moundsville Daily Echo to be received and filed by council.

1. Levy Estimate

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

MAYOR ITEMS:

* Mayor Lemasters asked council to receive and file the Operation Pride Proclamation signed by fellow Mayors and County Commission President Don Mason.

Councilperson Simms made a motion to receive and file the Operation Pride Proclamation, seconded by Councilperson Wallace. Motion carried unanimously.

* Asked if any one been notified concerning the ditch around AAA Trailer Park. Manager Hendershot advised the owner has been notified but have not received a response.

* Reported high grass on the right side of Jefferson Extension near the "Y". Manager Hendershot advised he will contact WV DOT Bob Whipp.

* Remind all residents of the tire clean up on May 31, 2008 at the Marshall County Fairgrounds.

* Reported high grass in areas of the City. Report given to City Manager.

* Asked for a monthly report from Building Enforcement Agency on the status of properties.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Committee Recommends Accepting Quote from Standard Life to Increase Employee Life Insurance Benefit.

Councilperson Wallace made a motion to increase the employee life insurance from \$10,000 to \$25,000, seconded by Councilperson Simms. Motion carried unanimously.

2. Committee Recommends Increase Employee Clothing Allowance from \$400 to \$450.

Councilperson Wallace made a motion to direct the attorney to draft an ordinance to increase the employee clothing allowance to \$450.00, seconded by Councilperson Haynes. Motion carried unanimously.

3. Committee Recommends Donation to John Marshall Football Program in the Amount of \$75.00.

Councilperson Wallace made a motion to donate \$75 to John Marshall Football program, seconded by Councilperson Wood. Motion carried unanimously.

4. Committee Recommends Increase Mileage for Travel from \$.37 to \$.505.

Councilperson Wallace made a motion to direct the attorney to draft an ordinance to increase the mileage for travel to \$.505 and look into the possibility of authorizing the City Manager to use their discretion to follow the state without drafting an ordinance, seconded by Councilperson Simms. Motion carried unanimously.

COUNCIL ITEMS:

* **James** - Nothing at this time.

* **Haynes** - Reported gutters falling off a house at 68½ Oak Avenue.

* Reported high grass at 21 & 23 Simpson Avenue.

* Reported trash in the back of 203 Parriott Avenue also roof is blowing off.

* **Wood** – Reported a problem with pigeons in the area of Cedar Avenue between 2nd Street & Cypress Avenue.

* Discussed having spoke with Fire Chief Clarke concerning the Incident Management Training for council members being held ½ or hour before council meetings.

* Would like to discuss the issue of installing a street light on Jefferson Avenue between 8th & 10th Street with MEDC. Mayor Lemasters advised that he spoke to Sid Grisell, President of MEDC.

* Asked for an update concerning the property across from Smith Mart on First Street. Manager Hendershot advised we are still in the notification process sending certified letters.

* **Wallace** - Congratulation to all the elected official who are headed for the General Election in November.

* **Simms** - Asked who is responsible for pot holes on 12th Street. Manager Hendershot advised that WV DOT is responsible and 12th Street will be paved this year.

* Asked about lien on Jefferson Avenue property being used for a parking lot at this time. Manager Hendershot advised the property is still the owners, the city only has a lien toward it. If the property is not sold, the owners can do with it as they wish.

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

Meeting adjourned at 7:40 p.m.

Sondra J. Hewitt, City Clerk

Wayne Lemasters, Mayor