

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JULY 15, 2008**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on July 15, 2008 at 7:00 p.m.

Meeting was called to order by Mayor Wayne Lemasters.

Invocation by Councilperson Simms.

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

MINUTES:

Regular Council Meeting of July 1, 2008.

Councilperson Simms made a motion to accept and approve the minutes of the regular council meeting of July 1, 2008, seconded by Councilperson James. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* David Haynes, 21 Elm Avenue, thanked council members for the re-appointment to the Water Board.

* Donald Bonnet, 113 Morton Avenue, asked council to help with a parking problem in front of his house. He asked if a yellow line could be painted across the street so he could get out of his driveway.

* Carol Mitchell, 510 Tenth Street, asked if officers could patrol the alley between the Pavilion and Golden Towers because of vehicle turning south to avoid the traffic light on 10th Street. Ms. Mitchell also asked that a sign could be installed to notice seniors in the area. Councilperson Simms asked for the request to be placed on the Traffic Agenda.

* George Kachalo, 31 Fostoria Avenue, complained the city has taken part of his property for the alley. Manager Hendershot advised Mr. Kachalo that he will have to obtain a lawyer because this being a civil matter.

* David White, 406 Clinton Avenue, asked if city was trading in the old sweeper for a new sweeper. Manager Hendershot commented they were considering it. Complimented the curb painters; Asked for more patrol on Clinton Avenue. Police caught kids breaking into vehicles.

OLD BUSINESS:

Discussion and Approval of a Resolution Approving Financing Terms for the Purchase of a 2008 Crown Victoria Police Cruiser.

Councilperson Simms made a motion to approve the resolution to purchase a police cruiser, seconded by Councilperson James. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning Retirement Options Sick Leave Buy Out for Employees. (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, TO AMEND SECTION 155.07(g)(8) OF THE EMPLOYEE POLICY REGULATIONS PROVIDING FOR AN INCREASE IN SICK LEAVE PAYMENT UPON RETIREMENT. (SECOND READING)

Councilperson Wallace made a motion to accept and approve the retirement policy, seconded by Councilperson Haynes.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance Creating a Job Incentive Program for Service and Manufacturing Industries. (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, TO AMEND AND REENACT SECTION 745.151 OF THE MOUNDSVILLE CITY CODE TO PROVIDE BUSINESS AND OCCUPATION TAX EXEMPTIONS FOR CERTAIN BUSINESSES LOCATING IN THE CITY. (SECOND READING)

Councilperson Simms made a motion to accept and approve the B&O ordinance, seconded by Councilperson Wallace.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning Changes to the DUI Code, Article 333 to Bring into Compliance with Recent Changes to State Code. (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 AND REENACTING SECTION 333 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE RELATING TO THE OFFENSE OF DRIVING UNDER THE INFLUENCE AND PROVIDING AMENDED PENALTIES. (SECOND READING)

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

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 yeas. Motion carried unanimously.

NEW BUSINESS:

Discussion and Approval of Bids Received for a Pole Building Project at the Water Treatment Plant.

Manager Hendershot reported that a bid in the amount of \$94,340.00 was received by Allstate Construction. The Water Board recommends approval.

Councilperson Simms made a motion to approve the bid from Allstate Construction in the amount of \$94,340.00, seconded by Councilperson Haynes.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 yeas. Motion carried unanimously.

Discussion and Approval of a Resolution of the Council of the City of Moundsville Authorizing the Sanitary Board to Conduct Electronic Bond Payment Through the Municipal Bond Commission.

Councilperson Wallace made motion to authorize the Sanitary Board to conduct electronic bond payment through the Municipal Bond Commission, seconded by Councilperson James.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance Pertaining to ATV's in the City of Moundsville. (First Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE TO AMEND AND REENACT ARTICLE 355 OF THE MOUNDSVILLE CODE PROVIDE FOR A PROHIBITION AGAINST THE OPERATION OF CERTAIN MOTORIZED

RECREATIONAL APPARATUS WITHIN THE CORPORATE LIMITS OF THE CITY OF MOUNDSVILLE UPON ANY PUBLIC STREET, ALLEY OR PROPERTY; TO MAKE THE OPERATION THE OPERATION OF SUCH APPARATUS A CRIMINAL OFFENSE; TO PROVIDE PENALTIES THEREFOR; AND TO PROVIDE EXCEPTIONS. (FIRST READING)

Councilperson Wallace made a motion to accept the ATV ordinance, seconded by Councilperson Simms.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning Nuisance in the City of Moundsville. (First Street)

Attorney White asked council pending further research this item be placed on the next Policy Committee.

Councilperson Simms made a motion to send this item to the Policy Committee, seconded by Councilperson James. Motion carried unanimously.

Discussion and Approval of an Ordinance Pertaining to Increases for City Council and Mayor. (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 SECTION 121.07 OF THE CODE OF THE CITY OF MOUNDSVILLE, TO PROVIDE FOR AN INCREASE IN COUNCIL MEMBERS' SALARY. (FIRST READING)

Councilperson Simms made a motion to accept the salary ordinance, seconded by Councilperson James.

Councilperson Simms noted that no council member can grant themselves a pay increase. This increase will be for newly elected council members.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 yeas. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Simms asked what the outcome was for the Recall Referendum. Attorney White noted that he was going to research the legality and bring answers back to the Policy Committee.

MANAGER ITEMS:

Business After Hours.

Business After Hours will be sponsored by Kennan & Kennan Realtors at the Barn on Eastern Fourth Street from 5-7 p.m.

Grant Money Received from Governor Manchin.

Through the efforts of Delegate Varner & Senator Kessler the City of Moundsville has received \$12,000 toward the renovation of the 13th Street Shelter and picnic tables.

I-68 Authority.

The I-68 Authority has requested all municipalities along Rt.2 to participate in the Rt.2/I-68 Authority by adopting a resolution designating municipal council is in support of Rt. 2 becoming a priority through the State of West Virginia Department of Transportation.

Councilperson Simms made a motion to instruct the City Attorney to draft a resolution in support of Rt. 2, seconded by Councilperson Wallace. Motion carried unanimously.

MAYOR ITEMS:

* Mayor Lemasters announced that he will sign a proclamation for Alice Burge who will be celebrating her 100th Birthday at the Bonnie Dwayne Bed & Breakfast on July 31, 2008.

* Mayor Lemasters asked Mr. Richmond if the problem with the ditch & stream behind AAA Trailer Park is being resolved? Mr. Richmond reported the lower end of the walking trailer is open and are now waiting on Mr. Rice of the AAA Trailer Court to discuss costs. Manager Hendershot also sent Mr. Rice a letter expressing council's interest in having the problem addressed and Mr. Rice is working with the city to resolve the matter.

* Mayor Lemasters commended the curb painting crew at the Street Department.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. The Finance Committee authorized moving forward with demolition process at 1223 First Street. Also have abatement companies perform inspection at 432-434 Poplar Avenue with consideration of city doing demolition.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion and Review of Parking Meter Mapping.

Committee authorized City Manager and Parking Meter Attendant Baker to review the existing meters to see which ones are needed and which ones aren't so work can begin on removal of unwanted meters and poles.

2. The Traffic Committee recommended moving forward with bidding on paving list as soon as possible to be complete no later than September.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion and Review of Sidewalk Replacement Program. The Traffic Committee recommends further review and research by City Attorney concerning the sidewalk replacement program. This item will be discussed at the August Policy Committee.

2. Discussion and Review of the Dog Tethering Ordinance. The Traffic Committee recommends further review by the Tethering Committee at the August 5th meeting.

3. Discussion and Review of Recall Referendum. The Traffic Committee recommends further study and contract with the Municipal League in reference to creating minimum attendance standards for council persons.

COUNCIL ITEMS:

* **Haynes** - Received complaints about the telephone at Second Street & Washington Avenue being used for a drug drop off. Asked if city can have phone removed.

* **James** - Informed council that he can not contact the owners of 43 Locust Avenue.

* Reported grass being very high at 2100 First Street. Manager Hendershot advised the crews will be cutting the grass. Chief Kudlak reported that he stopped at this location seeing people moving furniture from house. The location has been repossessed by HUD. At this time, HUD is in negotiation with contractors to cut grass. The house will be auctioned on August 26th. Hopefully the contractor and HUD will come to an agreement before the auction.

* **Wallace** - Nothing at this time.

* **Simms** - Asked if the Recreation was going to resurface the basketball courts? Mayor Lemasters announced the Recreation Board will meet on Thursday.

* Asked what city has determined about the tree on Meighen Avenue. Manager Hendershot

reported that Building Inspector Wise looked at the large tree in the middle of the yard and could not determine that it was hazardous. Manager Hendershot also reported that he will contact a forester or someone with tree expertise to determine if the tree is a nuisance.

* Commended Jim Richmond on the job he does seeing how he is loaded with responsibilities from the Street Department and Sanitation Department. Councilperson Simms believes those departments are run better now than they have in his 18 years of council.

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

Meeting adjourned at 7:48 p.m.

Sondra J. Hewitt, City Clerk

Wayne Lemasters, Mayor