

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
DECEMBER 6, 2011**

The Council of the City of Moundsville met in regular session in the Council Chambers on December 6, 2011 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson Mark Simms.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, Haynes, Remke, Saunders, Simms, Wood and Wallace. Also present: City Manager Hendershot, Police Chief Mitchell, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Schneider, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of November 15, 2011.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of November 15, 2011, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Rick Yanen, 100 Spruce Street, spoke to council concerning water issues on Spruce Street. He reported the water runs down from the hill onto Spruce Street unable to drain. In the winter the water freezes causing hazardous conditions. Mr. Yanen suggested a drain in the street for the water to divert to the creek.

City Manager Hendershot would refer this matter to the Storm Water Management Board.

* Danny Jacobs, 203 Simmons Drive, reported a tree hanging over the cable lines at the entrance of Cherokee Hills from Jefferson Avenue Ext. Mr. Jacobs opposed the purchase of tasers for the Police Department stating there has been 601 deaths related to tasers.

PUBLIC HEARING:

A Public Hearing Concerning Renewal of the Comcast Cable Franchise & Ordinance.

Mayor Wallace opened the floor to discuss any concerns on renewal of the Comcast Franchise & Ordinance.

Councilperson Wood moved to close the public hearing, seconded by Councilperson Haynes.

Motion carried unanimously.

OLD BUSINESS:

Discussion and Approval of an Ordinance Granting Franchise to Comcast Illinois/West Virginia, LLC for the City of Moundsville (Second Reading)

AN ORDINANCE GRANT A FRANCHISE TO COMCAST OF ILLINOIS/WEST VIRGINIA, LLC TO CONSTRUCT, MAINTAIN AND REMOVE A TELEVISION SIGNAL RECEPTION AND DISTRIBUTION SYSTEM UPON, ALONG AND ACROSS THE PUBLIC ALLEYS AND STREETS OF THE CITY OF MOUNDVILLE. (SECOND READING)

Councilperson Wood made a motion to approve the Ordinance pertaining to the Comcast Cable Franchise in the City of Moundsville, seconded by Councilperson Haynes.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Wood, Mayor Wallace, DeWitt, Haynes and Remke voting yea. Saunders & Simms voting nay. 4 yeas, 3 nays. Motion carried.

Appointment to the Moundsville Building Commission.

Manager Hendershot received letters from James Barlip and Larry Anderson expressing their interest in serving as a Moundsville Building Commission member.

Councilperson Saunders moved to appoint James Barlip and Larry Anderson to the Moundsville Building Commission, seconded by Councilperson Wood. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson DeWitt asked Manager Hendershot for an update on addressing the FEMA Violations. The Moundsville Volunteer Fire Department is under the assumption the building was constructed under the scrutiny of past Building Inspectors and according to the Moundsville City regulations. Manager Hendershot believes the violations were an oversight on the initial construction by the Building Inspectors. VFD is suppose to meet with the Building Inspector to obtain the specific requirements of the violations.

Building Inspector Schneider reported the VFD has been in to speak with him concerning the cost of purchase and installation of the flood vents. Councilperson DeWitt asked what the penalty would be for failure to comply with FEMA. Manager Hendershot advised the city would have to issue a citation. Councilperson DeWitt expressed concern for the citizens in Moundsville being penalized on their flood insurance for non compliance by the VFD. Councilperson DeWitt suggested sending VFD a letter from city council presenting them with the option to install the vents or the city will purchase and install the vents then deduct the

purchase and installation cost from the VFD's contract amount with the City of Moundsville.

* Councilperson Saunders asked for an update for the property at 329½ Thorn Avenue. Building Inspector Schneider reported the owner, Ms. Darrah, was found guilty in Municipal Court for Health & Sanitation Violation and fined \$322. Councilperson Saunders reported the fence that was denied by the Planning Commission is still standing, the roof is leaking, out of state vehicles are still parked in the back yard. Attorney White advised Ms. Darrah that every day she does not improve the property, it is considered another violation.

After further discussion, council agreed to bring this matter before the sub committees to discuss funding for possible condemnation.

* Councilperson Wood asked for an update on the water/sewer separation project. Manager Hendershot reported that Jefferson Avenue is going to be a spring re-paving project. The McConnell Drive /Parriott Avenue project is near completion. Contractors will need to bore under 12th Street, which will probably be a spring job. Contractors will also need to bore under the back wall of the penitentiary. Contractors temporarily layed asphalt on Parriott Avenue until spring.

* Councilperson Wood reminded council of an ordinance passed September 7, 2010 to impose a \$200 fee on buildings which have been vacant for at least one year in Moundsville. The fee will be assessed January 15th of each year.

* Councilperson Remke asked where we stand with E-government, he spoke with Ian McQuinn who said that nobody has called him. Supervisor Deanna Hess advised they have been missing each other.

* Councilperson Remke requested the sign ordinance be placed on the Policy agenda.

* Councilperson Remke asked if Manager Hendershot heard from Margaret or Jenny concerning the Comprehensive Plan? Councilperson Wood advised that he spoke to her in Morgantown and said she would be in contact in January.

* Councilperson Remke asked when the banisters are going to be installed at the Police Department? Manager Hendershot said they would be delivered December 15, 2011.

* Councilperson Remke reported the emergency van is still parked on the Gonchoff lot on 7th Street.

NEW BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Building Permits 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 THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR INCREASING CONSTRUCTION PERMIT FEES WHEN WORKING IS COMMENCED PRIOR TO OBTAINING A PERMIT, BY ADDING SECTION 1709.11 TO THE CITY CODE. (FIRST READING)

Councilperson Simms made a motion to approve the above ordinance pertaining to building permit fees, seconded by Councilperson Haynes.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Simms, Mayor Wallace, Haynes and Remke voting yea. Wood, DeWitt and Saunders voting nay. 4 yeas, 3 nays. Motion carried.

Discussion and Approval of an Ordinance for an Abandonment for an Alley on Lafayette Avenue. (First Reading)

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

AN ORDINANCE VACATING, ABANDONING AND ANNULING A PORTION OF AN ALLEY INTERSECTION THE WEST SIDE OF LAFAYETTE AVENUE BETWEEN TWELFTH AND THIRTEENTH STREETS IN THE CITY OF MOUNDSVILLE. (FIRST READING)

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

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Wood, Mayor Wallace, DeWitt, Haynes, Remke, Saunders and Simms voting yea. 7 yeas. Motion carried unanimously.

Discussion and Approval of RFP for City of Moundsville Audit Selection.

Manager Hendershot reported that Moundsville received two Request for Proposal (RFP) bids for auditing services. The names of the bidders must be submitted to the State Auditors Officer for their approval. The bids are as follows:

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|-------------------------------------|------------|-----------|
| 1. Leland O'Neal CPA Oak Hill WV | \$9,920.00 | |
| 2. Allman & Associates, PLLC | \$3,000.00 | 2009-2010 |

Hurricane WV \$3,000.00 2010-2011

Councilperson Saunders made a motion to submit the bids to the State Auditor's Office, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of Bids for Fire Department Cruiser & Fire Department Pickup.

Bids were received on December 1, 2011 for a Fire Department Cruiser:

| | | |
|---------------------------|---------------------|-------------|
| 1. Glen Dale Motors | 2012 Dodge Charger | \$23,874.0 |
| | 2012 Dodge Charger | \$24,304.00 |
| 2. Ohio Valley Ford | 2008 Crown Victoria | \$14,500.00 |
| 3. Jim Robinson Ford | 2011 Crown Victoria | \$26,964.00 |
| 4. Bob Robinson Chevrolet | 2011 Impala | \$21,283.00 |
| | 2011 Caprice | \$25,971.00 |

Bids were received on December 1, 2011 for a Fire Department 3/4 ton 4WD Pickup Truck:

| | | |
|---------------------------|------------------|-------------|
| 1. Glen Dale Motors | 2012 Dodge Ram | \$24,183.00 |
| | 2012 Dodge Ram | \$24,695.00 |
| | 2012 Dodge Ram | \$24,854.00 |
| 2. Ohio Valley Ford | 2009 Ford F250 | \$22,800.00 |
| | 2007 Chevy K2500 | \$22,900.00 |
| 3. Bob Robinson Chevrolet | 2012 Silverado | \$23,717.00 |
| | 2012 GMC Sierra | \$24,113.00 |

After hearing recommendations by Fire Chief Clarke, Councilperson Simms made a motion to award the bid for a Fire Department Cruiser to Ohio Valley Ford on the 2008 Crown Victoria in the amount of \$14,500.00 and award the bid for the Fire Department 3/4 ton 4WD pickup truck to Bob Robinson on the 2012 GMC Sierra in the amount of \$24,113.00, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of Quotes for the 2012 Fireworks.

Bids were received for 2012 Fourth of July Fireworks display in the City of Moundsville:

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|---------------------------------------|--------------|------------|
| 1. Schaefer Pyrotechnics Ronks, PA | 1,088 shells | \$8,925.00 |
|---------------------------------------|--------------|------------|

- | | | | |
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| 2. | Pyrotechnics by Presutti Bellaire OH | 2,661 shells | \$9,900.00 |
| 3. | Pyrotecnico New Castle PA | 838 shells | \$10,000.00 |

After recommendations by Fire Chief Clarke, Councilperson Simms made a motion to award the bid to Pyrotechnics by Presutti, Bellaire OH in the amount of \$9,900.00, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of Quotes on a Pump for Four Seasons Pool.

Bids were received on December 2, 2011 for a Turbine Pump for the swimming pool:

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| 1. | Johnson Boiler Works Inc Benwood WV | \$15,600.00 |
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Councilperson Simms made a motion to award the bid to Johnson Boiler Works in the amount of \$15,600.00, seconded by Councilperson Wood. Motion carried unanimously.

Manager Hendershot informed council that Price Gregory has asked to rent the parking lot at the Girls Valley Fork Softball Fields for their employee’s personal vehicle parking. They have proposed \$2000 per month for 4 months. Manager Hendershot suggested the \$8000 be earmarked for Parks & Recreation to be used toward the pool pump.

Discussion and Approval of Quotes for the Bucket Truck for the Street Department.

Street Commissioner Richmond provided a quote for a bucket truck for the Street Department in the amount of \$24,500.00.

Councilperson Saunders made a motion to approve the purchase of the bucket truck in the amount of \$24,500.00, seconded by Councilperson Simms. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Saunders announced since the Marshall County Commissioners are giving their employees Friday, December 23rd one full day off and Friday, December 30th ½ day off, he is making the motion to give the city employees the same time off for Christmas and New Years, seconded by Councilperson Simms. After a brief discussion, motion was carried unanimously.

* Councilperson Remke asked to discuss at the next finance or policy meeting the possibility of giving new businesses a 2 year B&O Tax break.

* Councilperson Remke announced that train rides will be provided on Saturday, December 10th

on Jefferson Avenue from 1-3 p.m. Local merchants will be directing traffic when train turns around at the intersections. Councilperson Remke asked if he needs permits or authorization to do this? City Manager Hendershot will authorize the request.

* Councilperson Remke requested to discuss with the policy committee the possibility of prohibiting bicycles on the sidewalk in the historic business district.

* Councilperson Remke reported the traffic light at 10th & Lafayette Avenue does not change for traffic traveling east & west.

* Councilperson Remke requested to discuss with the traffic committee the possibility to install 4-way stop signs at Fifth Street & Jefferson Avenue. Mayor Wallace informed Councilperson Remke the City had the option of a 2-way stop or a 4-way stop and chose the 2-way stop as recommended by Chief Kudlak. WV Department of Transportation approved the 2-way stop and will not approve a 4-way stop.

* Councilperson Wood would like to discuss the rating form for the city manager applications for Tuesday.

MANAGER ITEMS:

Open House at the Moundsville Police Department.

Manager Hendershot invited council and the public to an open house at the Moundsville Police Department on Tuesday, December 20, 2011 from 4-8 p.m.

Interim City Manager.

Since the discussion of appointing Deanna J. Hess as Interim City Manager, Manager Hendershot announced that she has been attending Water Board, Sanitary Board and Stormwater Board meetings with him as well as Council Meetings.

Employee Christmas Luncheon.

The employee Christmas luncheon is scheduled for Thursday, December 22, 2011 starting at 12:00 noon.

Right of Way Purchase at Moundsville Landfill.

Manager Hendershot announced the city received a check in the amount of \$14,287.50 from Dominion Natrium LLC for the right of way easement for construction of a pipeline in the city's landfill.

National Endowment for the Arts (NEA).

The National Endowment for the Arts has posted the guidelines for 2012 “Our Town” grants. Eligibility requirements are a partnership between a local government entity and a nonprofit cultural institution. Question & answer sessions on the website January 11 and February 7, 2012.

Lease Agreement with Price Gregory International Inc.

The lease agreement between the City of Moundsville and Price Gregory International Inc has been prepared. The lease is for rental of the Valley Fork girls softball fields parking lot for Price Gregory employees personal vehicle parking.

Moundsville Water Board Pending Litigation.

Manager Hendershot announced that Moundsville Water Board has come to an agreement over the litigation pertaining to the construction of the Water Treatment facility. The court has approved stipulations for dismissal by both sides. Shook Environmental has agreed to make repairs to plant at no cost to the city.

Resume Checks for City Manager Applicants.

At Mayor Wallace’s request, City Manager Hendershot researched companies that provide background checks. After discussion, council members agreed on Info Check to perform the more detailed background checks on the five applicants in the amount of \$250 each. Manager Hendershot will provide the applicants with a release form along with an email explaining the process.

Receive and File the Police & Fire Pension Relief Funds.

Manager Hendershot presented council with copies of the Moundsville Police & Fire Pension Relief Funds. Councilperson Simms made a motion to receive and file the Police & Fire Pension Relief Funds, seconded by Councilperson Haynes. Motion carried unanimously.

Legal Advertisements.

Attorney White presented several legal advertisements published in the Moundsville Daily Echo and Wheeling News Register to be received and filed by council.

1. Proposals for Conducting an Audit for the City of Moundsville
2. Proposals for Conducting an Audit for the City of Moundsville (News Register)
3. Civil Action Suit for William Stanley
4. Statement of Balance Year End Report
5. Civil Action Suit for Ronald Howell Sr
6. Zoning Variance for Marshall County Credit Union

7. Civil Action Suit for Amanda Yinger
8. Sealed Bids for 2012 Fireworks
9. Sealed Bids for Turbine Pump for Four Seasons Pool
10. Comcast Franchise Ordinance
11. Sealed Bids for 3/4 Ton Pickup for Fire Department
12. Sealed Bids for Fire Cruiser for Fire Department
13. Zoning Variance for 212 Tomlinson Avenue
14. Zoning Variance for 2 WalMart Drive

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

MAYOR ITEMS:

* Mayor Wallace commended Councilperson Remke and everyone involved in the tree lighting located in the BB&T Lot. Great turn out.

COMMITTEE REPORTS:

Councilperson Saunders scheduled a finance meeting on Tuesday, December 13, 2011 at 5:00 p.m.

Councilperson Simms scheduled a traffic meeting following the finance meeting.

Councilperson Wood scheduled a policy meeting following the traffic meeting.

COUNCIL ITEMS:

* **Remke** - Wished to thank the Street Department crew for helping to erect the Christmas tree and the lighting.

* Invited everyone to a concert at the Strand on Friday, December 9, 2011, cost is \$5.00 includes local entertainment.

* **Wood** - Commended all those involved in the weekend activities.

* Attended a Brownfields workshop in Morgantown hoping that Moundsville Fostoria would receive one of the \$5,000 grant awards.

* Complimented the city on the roofing, new ceiling tile and new lights in the city building.

* **Simms** - Wished to thank Councilperson Remke for suggesting the Christmas tree in the BB&T lot.

* Wished to thank the Street Department for all they do, good crew of men that will do anything to help.

* **DeWitt** - Asked Manager Hendershot if everything was OK with the owners of the property from the hydraulic spill? Manager Hendershot advised that he and Street Commissioner Richmond met with the owner to see what she would like done. Attorney White will then draft an easement to access the property. She has not made contact with the City Manager at this time.

* Wished to thank the Street Department for the work they do.

* **Saunders** - Expressed to City Manager Hendershot that he has been a great asset to the City of Moundsville and to council. Councilperson Saunders will miss him very much.

* Announced the Christmas House Decorating Contest will be Thursday, December 15, 2011.

* **Haynes** - Asked Manager Hendershot the weight limit of the bridge on Ash Avenue? Manager Hendershot advised that overweight vehicles are not supposed to be on the Fostoria bridge or the Elm Avenue. He believes the trucks are detoured to Ash Avenue bridge.

* Asked if the cable lines have been replaced on Hickory Avenue? Manager Hendershot believes they have been repaired.

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

Meeting adjourned at 8:50 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor