

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
SEPTEMBER 4, 2007**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on September 4, 2007 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by City Manager Hendershot.

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

MINUTES:

Regular Council Meeting of August 21, 2007.

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of August 21, 2007, seconded by Councilperson Lemasters. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Leigh Ann Scherick, BB&T, presented council a check in the amount of \$300 for a bench at one of the city's parks. Manager Hendershot announced that funds for 6 benches have arrived and more funds are expected.

* Patrick Kirby, WV University, spoke to council concerning application for Brownfields Grant Funding for the Fostoria Glass property. A \$200,000 grant became available for clean up of the site after an assessment. The clean up consists of soil clean up, removal of asbestos and other items found in the assessment.

After some discussion, Mayor Wallace made a motion to direct the City Manager to draft a letter to the Moundsville Building Commission in support of the grant application, seconded by Councilperson Wood. Motion carried unanimously.

* Shane Walter, Lamar Outdoor Advertising, expressed his opposition toward the Outdoor Sign Ordinance, stating Lamar has followed all city codes and regulations to install the billboard sign near the Riverfront Park.

* Kim Brooks, 208 11th Street, provided council with a copy of a letter from Marshall County

Assessor Christopher Kessler concerning the effect on property values regarding the potential placement of an outdoor advertising structure in a residential neighborhood. Also, opposed the request for a recommended zone change by the Planning Commission at 1108 Thompson Avenue by Dwight Cunningham from an R-M to Industrial.

* Millard Adkins, 298 11th Street, opposed the construction of a billboard sign near the Riverfront Park.

OLD BUSINESS:

* Councilperson Lemasters requested a 50-60 foot section of asphalt damaged in the 2004 flood be replaced at the Valley Fork Walking Trail because people are still walking on the damaged section.

After some discussion, Councilperson Lemasters made a motion to repair the 50-60 foot section of walking trail, seconded by Councilperson Wood. Motion carried unanimously.

Manager Hendershot asked Attorney White if the Municipal Fee could be used to pay for the asphalt? Attorney White assured council that he didn't think it would be a problem, but would research the question.

NEW BUSINESS:

Discussion and Approval of Requisition #22 for the Moundsville Water Treatment Plant Project.

Councilperson Wood made a motion to approve requisition #22 for the Moundsville Water Treatment Plant Project, seconded by Councilperson Lemasters. Motion carried unanimously.

Discussion and Approval of an Ordinance Pertaining to Outdoor and Open Fires. (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 1533.08 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE REGULATIONS FOR OUTDOOR BURNING AND FIRES IN THE CITY. (FIRST READING)

Councilperson Lemasters made a motion to approve the outdoor fire ordinance, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. 5 years.

Motion carried unanimously.

Discussion and Approval of a Recommendation by the Planning Commission to Consider a Zone Change at 1108 Thompson Avenue from R-M to Industrial.

After some discussion as to whether or not the footage of the property is correct, Councilperson Haynes made a motion to table this request until the City Attorney could research the dimensions, seconded by Councilperson Wood. Motion carried unanimously.

Discussion and Approval of a Resolution Approving Financing Terms for the Purchase of a 2005 NOR/AM 65 E COMPACT GRADER for the Moundsville Street Department.

Councilperson Lemasters made a motion to approve the resolution accepting financial terms for the purchase of a grader, seconded by Councilperson Wood. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Lemasters reported residents on 5th & 6th Street between Washington and Grant Avenue had lost power last week from 4 p.m. to 11 p.m. He reported this has happened several times at this one location. Manager Hendershot advised he will check into the problem.

* Councilperson Cunningham asked that all department heads attend all council meetings.

* Councilperson Cunningham requested that Morton Avenue between 10th & 11th Street be added to the paving list.

* Councilperson Cunningham asked that council minutes be put in the paper verbatim. Manager Hendershot & Mayor Wallace stated the cost would be outrageous and having the minutes in the paper are only actual actions of council.

* Councilperson Cunningham asked how the camp ground at the Riverfront Park will be patrolled. Manager Hendershot advised that grounds will be patrolled by the police department.

* Councilperson Cunningham noted that council members should have to attend the committee meetings they are members of.

* Councilperson Cunningham reported a tree needs cut at 1122 8th Street.

* Councilperson Cunningham asked for an update on the Seventh Street project. Manager Hendershot reported the Sanitary Board has authorized Burgess & Nipple to contract an engineering company to core drill. Since the board has closed the street, the sinking has slowed. After core drilling, the board will explore options to repair the break in the line.

* Councilperson Cunningham reported heavy traffic on Second Street & Court Avenue.

Manager Hendershot advised that officers do patrol that area and Court Avenue is only one way going toward the school.

MANAGER ITEMS:

Update of the Water Treatment Plant.

The completion date for the Water Treatment Plant has been extended by the Water Board and projected to be November 2, 2007.

Storm Water Management Permit.

The Storm Water Management Permit will be due March 2008. At the beginning of the four year permit cycle the city partnered with Steptoe & Johnson and other communities around the state to be involved in the development of the standards that would be put in place for the Storm Water Management. The DEP is not clear on what the permits are going to look like for the future, so Steptoe & Johnson is in the process of creating another organization to partner with the communities. Manager Hendershot will attend a meeting on October 25, 2007 to discuss the possibilities in Charleston.

NIMS Training.

Manager Hendershot reminded council members that NIMS Training is scheduled for September 6, 2007 starting at 9:00 a.m.

Letter from Moundsville Building Commission.

Manager Hendershot received a letter from the Moundsville Building Commission requesting the city submit a letter of support for the Fostoria Glass project.

Fluoridation Award for the Moundsville Water Department.

The Moundsville Water Department received a Fluoridation Award from the Centers for Disease Control and Prevention.

Fostoria Glass Project - Marshall County Commission.

Manager Hendershot announced and thanked the Marshall County Commission on donating for the third year \$20,000 toward the demolition of the Fostoria Glass project.

Resignation of Mark Simms, Superintendent of the Sanitary Board.

Manager Hendershot announced the resignation of Mark Simms from the Moundsville Sanitary Board due to health issues. Manager Hendershot pointed out that awards and achievement

cover the walls for the Sanitary Department.

Councilperson Wood made a motion to draft a letter to Mark Simms and Cy Simms for the years of service and expertise at the Moundsville Sanitary Plant, seconded by Councilperson Lemasters. Motion carried unanimously.

Other Items to be Discussed by the Manager.

Attorney White presented council with the following certified legal advertisements published in the Moundsville Daily Echo, to be received and file by council:

1. Request from Planning Commission for Zone Change-1108 Thompson Avenue
2. Ordinance for an Abandonment
3. Zone Change Ordinance - 223 Elm Avenue

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

MAYOR ITEMS:

* Mayor Wallace expressed his appreciation to Mark Simms for his years of service and knowledge at the Sanitary Board. And wishes Mark well.

* Mayor Wallace wished to thank the Moundsville Building Commission for keeping the Fostoria project moving.

Appointment to the Fire Civil Service Commission.

Mayor Wallace wished to re-appoint Hugh Anderson to the Moundsville Firefighters Civil Service Commission.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Lemasters scheduled a Finance Meeting on Wednesday, September 12, 2007 at 6:00 p.m.

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson Haynes scheduled a Traffic Meeting to follow after the Finance Meeting.

Discussion and Approval of Recommendations by the Policy Committee.

Councilperson Wood scheduled a Policy Meeting to follow the Traffic Meeting.

COUNCIL ITEMS:

* **Lemasters** - Asked for the status of promotions for Lieutenant, Sergeant, & Corporal in the Police Department. Manager Hendershot announced the Lieutenant position was won by Sgt. Jeff Murray; Sgt. position was won by Cpl. Whipkey, and the Corporal position has not been finalized at this time.

* Asked if the Fire Department was going to replace Joe Spong. Manager Hendershot advised they are in the process of conducting interviews.

* Reported OH plated vehicle parked in yard at 8 Potomac Street.

* High grass complaints at 215 Parriott Avenue, 1000 Fourth Street, and 1009 Third Street.

* Reported officers did not escort a funeral from St. Francis last week. Chief Kudlak reported that officers had made every funeral escort since this was brought to his attention. The only escorts that were missed had left 2-3 minutes early. Chief Kudlak also reported that escorts are provided as a courtesy not mandated by ordinance or rules and regulations.

* Reported that reflector tape needs put on dumpsters. (Highland Avenue & Oak Avenue and Third Street.

* Mayor Wallace reported the dumpster at the Riverfront Park needs to be dumped more often or patrolled by the Police Department. Large amount of trash accumulating.

* **Haynes** - Reported bushes growing onto the sidewalk at 49 Linden Avenue.

* Reported the camper is still parked at a handicapped sign on Simpson Avenue. Chief Kudlak reported that he & Street Commissioner Richmond are not sure why the handicapped sign was issued because the sign appears to be in the persons front yard. Chief Kudlak will follow up on the matter.

* **Cunningham** - Asked if Manager Hendershot sent letters to Kesselring and the Roller Rink about the sidewalk.

* Requested yellow line extended at Wesbanco.

* Reported a camper parked on Center Street & Ash Avenue.

* Requested a letter sent to Consol Coal about trash on property.

* Asked if the city was hiring for the Street Department & Sanitation Department. Manager Hendershot advised a full time person will be hired at the Street Department.

* **Wood** - Wished to thank Mark Simms for the job he has done at the Sanitary Plant. Also asked how he will be replaced. Manager Hendershot reported that Larry Bonar is Assistant Superintendent and will be offered the superintendent position.

* Informed Manager Hendershot that he may want to speak with the Superintendent of Schools if there is a problem with teachers leaving the school the wrong way on Court Avenue.

* Councilperson Lemasters remarked that taking minutes at the Finance Meeting is very hard to transcribe verbatim.

Councilperson Wood made a motion to recess before holding an executive session for pending litigation, seconded by Councilperson Haynes. Motion carried unanimously.

Meeting recessed at 8:45 p.m.

Meeting reconvened at 8:55 p.m.

Executive Session started at 8:55 p.m.

Executive Session recessed at 9:30 p.m.

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

Meeting adjourned at 9:30 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor