

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **JULY 17, 2007**

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on July 17,
5 2007 at 7:00 p.m.

6
7 Meeting was called to order by Mayor Dennis Wallace.

8
9 Invocation by City Manager Allen Hendershot.

10
11 Acting City Clerk Karen Ankrom called the roll and the following councilpersons were in
12 attendance: Cunningham, Haynes, Vice Mayor Lemasters, Wood, and Mayor Wallace. Absent:
13 DiRemigio, Simms, and City Clerk Hewitt (vacation). Also present: City Manager Hendershot,
14 Police Chief Kudlak, Fire Chief Clarke, Fire Assistant Chief Ullom (Building Inspection), Street
15 Commissioner Richmond, Attorney Thomas White, CPA Kathryn Goddard, and Acting Clerk
16 Ankrom.

17
18 Councilperson Cunningham asked for a moment to commend Police Chief Kudlak and Fire Chief
19 Clarke for doing a “good, quick, and efficient job” in resolving the dumpster fire issue.

20
21 **MINUTES:**

22
23 **Regular Council Meeting of June 19, 2007.**

24
25 Councilperson Wood made the motion to accept and approve the minutes of the regular council
26 meeting of June 19, 2007, seconded by Vice Mayor Lemasters. Motion carried unanimously.

27
28 **Regular Council Meeting of July 3, 2007.**

29
30 There were no minutes due to the lack of a quorum.

31
32 **Special Council Meeting of July 10, 2007.**

33
34 Vice Mayor Lemasters made the motion to accept and approve the minutes of the special council
35 meeting of July 10, 2007, seconded by Councilperson Wood. Motion carried unanimously.

36
37
38 **GENERAL PUBLIC HEARING:**

39
40 * Lester Tasker, 1407 Tenth Street, expressed concern that the police department is not patrolling
41 as often as in the past.

42
43 * Kim Brooks, 208 Eleventh Street, questioned whether all affected residents were notified of the

1 prospective billboard to be placed in her area; Manager Hendershot explained that all property
2 owners within the 200' restriction were. Ms Brooks looked over a zoning map with Mayor Wallace,
3 with explanation from Manager Hendershot and Attorney White that the approval from the Zoning
4 Board applied only to the height of the sign and that placement restrictions will be reviewed by the
5 Building Inspection department when permits are applied for. Discussion was held on the
6 ordinances affecting on and off premise advertising signs and how they apply to different zones. Ms
7 Brooks presented a map, that she obtained from the WV Department of Transportation, showing
8 easements and right-of-ways that will affect the placement of the billboard. Ms Brooks also
9 explained that the neighbors who own this property have been disruptive to the neighborhood and
10 complaints have been filed with the Police Department, however, she is not satisfied with the
11 response from the department; Chief Kudlak assured that he will look into the situation.
12

13 * George Miller, 1107 Lockwood Avenue, also expressed his concerns about the prospective
14 billboard, which he also presented at the Zoning Board meeting. Mr. Miller stated that pictures are
15 posted on the property displaying the sign, and it will be directly behind his residence. Mr. Miller
16 also expressed discontent with the in-town noise level, especially on the bridge, where he would like
17 to see more speed monitoring. Chief Kudlak explained that the City Police have jurisdiction as far
18 as the low-water mark on the Ohio side; and Attorney White stated that he has seen citations come
19 through Municipal Court that were issued on the bridge, which is monitored by the department
20 motorcycle.
21

22 * David White, 406 Clinton Avenue, noticed some used tires lying behind Ken Blake's property on
23 Jefferson Avenue. He thanked the Street Department for the patching and curb painting. Manager
24 Hendershot explained that the football fields will be allowed to remain until work begins on the
25 Riverfront Campground project, which does have funding available to start laying water and sewer
26 lines. Mr. White asked about progress on 7th Street, and Manager Hendershot explained that two
27 engineering firms have looked at the problem to determine if the sewer line, which is 20+ feet deep,
28 is broken or if settling has occurred. For safety purposes, the street will remain closed.
29

30 * Kim Brooks, 208 11th Street, presented an aerial view of Boso's property on Tenth Street so that
31 Council could see the problem there. She also expressed displeasure that Mr. Boso was appointed
32 to the Zoning Board when he does not follow the ordinances pertaining to his own property.
33

34 **OLD BUSINESS:**
35

36 **Discussion and Approval of an Ordinance Concerning Changes to Zoning (Second Reading)**
37

38 Attorney White read the following ordinance by title only to be passed by council on second reading:
39

40 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE,**
41 **WEST VIRGINIA, AMENDING SECTIONS 1355.03 AND 1357.03 AND**
42 **1359.03 OF THE CODE OF THE CITY OF MOUNDSVILLE, ELIMINATING**
43 **FUNERAL HOMES AS PERMITTED SPECIAL EXCEPTIONS IN URBAN**

1 **RESIDENTIAL, GENERAL RESIDENTIAL, AND MULTI-FAMILY**
2 **RESIDENTIAL ZONES IN THE CITY OF MOUNDSVILLE**
3 **(SECOND READING)**
4

5 Vice Mayor Lemasters made the motion to accept and approve the ordinance concerning zoning
6 changes on second reading, seconded by Councilperson Haynes.
7

8 Mayor Wallace called for a voice vote. Acting Clerk announced the following tally: 5 yeas. Motion
9 carried unanimously.
10

11 *Vice Mayor Lemasters asked about the dumpster that has been sitting at 14 Potomac Street for
12 about six months. Manager Hendershot explained that he has met with Chief Kudlak, Chief Clarke,
13 and Building Inspector Wise to develop an internal tracking system so that the deadlines for
14 correcting such problems are shortened. Vice Mayor Lemasters agreed that property owners are
15 given too much time.
16

17 **NEW BUSINESS:**
18

19 **Discussion and Approval of an Ordinance Pertaining to Demolition and Condemnation**
20 **Process (First Reading)**
21

22 Attorney White read the following ordinance by title only to be passed by council on first reading:
23

24 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE,**
25 **WEST VIRGINIA, AMENDING AND REENACTING ARTICLE 1105 OF**
26 **THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE AND**
27 **REPEALING PORTIONS OF ARTICLE 1717 OF THE MUNICIPAL CODE**
28 **OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE ADOPTION**
29 **OF A NEW NUISANCE ABATEMENT AND DEMOLITION ORDINANCE.**
30 **(FIRST READING)**
31

32 Councilperson Wood made the motion to accept and approve the ordinance pertaining to demolition
33 and condemnation process on first reading, seconded by Vice Mayor Lemasters.
34

35 City Manager Hendershot explained that the intention is to modernize the ordinance and shorten time
36 frames. Attorney White recommended that this ordinance be referred back to the Policy Committee
37 for review.
38

39 Mayor Wallace called for a voice vote. Acting Clerk announced the following tally: 5 yeas. Motion
40 carried unanimously.
41

42 **Discussion and Approval of a Recommendation from Planning Commission for a Zone Change**
43 **at 223 Elm Avenue**

1 Manager Hendershot explained that the former "Elm Club" cannot re-open as a bar due to the church
2 that is located across the street. Assistant Chief Ullom, who is filling in at the Building Inspection
3 department, does not believe that the prospective pizza shop plans to serve alcohol.
4

5 Vice Mayor Lemasters made the motion to accept the recommendation from the Planning
6 Commission and direct the City Attorney to draw up the ordinance pertaining to the zoning change
7 at 223 Elm Avenue, Councilperson Haynes seconded. Motion carried unanimously.
8

9 **Discussion and Approval of Requisition #20 for the Moundsville Water Treatment Plant**
10 **Project**

11
12 Councilperson Wood made the motion to approve Requisition #20 for the Moundsville Water
13 Treatment Plant Project, seconded by Vice Mayor Lemasters.
14

15 Manager Hendershot explained that the Water Treatment Plant is almost complete, and the Water
16 Board will be taking a tour of the plant on July 20 at 2:00 PM; members should meet at the Lafayette
17 Avenue office. The new plant is scheduled to open on August 25.
18

19 Motion carried unanimously.
20

21 **MANAGER ITEMS:**

22
23 **Re-Appointment to the Moundsville Water Board**

24
25 Manager Hendershot stated that Jim Stultz' application was the only one received for the seat on the
26 Moundsville Water Board, and he received a letter of support from the Board. Councilperson Wood
27 made the motion to re-appoint Jim Stultz to the Water Board, seconded by Vice Mayor Lemasters.
28 Motion carried unanimously.
29

30 **Re-Appointment to the Moundsville Planning Commission**

31
32 Barbara Bettinazzi, a long-term member of the Planning Commission, was the only submission for
33 the seat. Manager Hendershot will re-appoint her to the Commission.
34

35 **Appointment to the Library Board**

36
37 Manager Hendershot explained that the five-member, non-paid board has three seats appointed by
38 the County Commission and two by the City. Evan Rogerson was bestowed, by the Library Board,
39 an Honorary, non-voting position, leaving his seat vacant. Jim Stultz and Denise Freeland submitted
40 letters of interest to the Mayor.
41

42 Councilperson Haynes made the motion to appoint Jim Stultz to the Library Board, seconded by
43 Councilperson Wood. Motion carried unanimously.

1 **Annexation of Gump Property**
2

3 Manager Hendershot stated that he had reviewed the information and confirmed that the personal
4 dwelling and business of Floyd Gump are included in the property to be annexed. Councilperson
5 Wood made the motion to move the annexation off of the table, seconded by Vice Mayor Lemasters.
6 Motion carried unanimously.
7

8 Councilperson Wood then made the motion to approve the Gump Addition for annexation on first
9 reading, seconded by Vice Mayor Lemasters.

10
11 Mayor Wallace called for a voice vote. Acting Clerk announced the following tally: 5 yeas. Motion
12 carried unanimously.
13

14 **MAYOR ITEMS:**

15
16 * Mayor Wallace questioned whether City Council has the authority to veto decisions made by the
17 Zoning Appeals Board. Attorney White explained that their decisions are appealable only to the
18 Circuit Court.
19

20 **COMMITTEE REPORTS:**

21
22 **Discussion and Approval of Recommendations by the Finance Committee.**
23

24 1. Recommend the City of Moundsville Contribute \$1,570.00 to the Moundsville Business &
25 Cultural District for Banners
26

27 Vice Mayor Lemasters motioned to approve \$1,570.00 to the Business & Cultural District to replace
28 banners on Jefferson and Lafayette Avenues, seconded by Councilperson Wood. Motion carried
29 unanimously.
30

31 2. Recommend the City Contribute an Additional \$500.00 to SNAP Program
32

33 Vice Mayor Lemasters made the motion to approve \$500 to be deposited to the SNAP Account,
34 seconded by Councilperson Haynes. Motion carried unanimously.
35

36 3. Recommend Providing \$4,650.00 to Replace Six Vests in the Police Department Each Year for
37 the Next Three Years
38

39 Vice Mayor Lemasters explained that he has discussed this issue with Chief Kudlak, and
40 recommends donating \$4,650.00 this year, and the same amount for the next two years, to be
41 included in the budget and approved by City Council, to purchase new vests. Councilperson Haynes
42 made the motion, seconded by Vice Mayor Lemasters. Motion carried unanimously.
43

1 4. Recommend the Police Department be Given \$5,022.00 for the Purchase of New Weapons

2
3 Vice Mayor Lemasters recommended the approval of \$5,022.00 for the purchase of 18 new weapons
4 for the Police Department; Chief Kudlak stated the company will honor the originally quoted price.
5 Councilperson Haynes made the motion to approve, seconded by Vice Mayor Lemasters. Motion
6 carried unanimously.

7
8 **Discussion and Approval of Recommendations by the Traffic Committee.**

9
10 1. Recommend to Approve Handicapped Parking Space at 1101 Third Street

11
12 Vice Mayor Lemasters made the motion to approve the handicap request for 1101 Third Street,
13 seconded by Mayor Wallace. Motion carried unanimously.

14
15 2. Direct the City Attorney to draft an Abandonment Ordinance Requested by Marshall County
16 Schools for the Connector Alley by Central School

17
18 Vice Mayor Lemasters made the motion to direct the City Attorney the draft the abandonment
19 ordinance for the connector alley by Central School, seconded by Councilperson Wood.

20
21 Manager Hendershot explained that this is the short alley that runs north and south, on the east end
22 of Central School. Once complete, the private driveway will run from the turn at the corner of the
23 school out to Jefferson Avenue; the section from the turn south onto 8th Street will be the section
24 abandoned.

25
26 Motion carried unanimously.

27
28 3. Recommend to Change to Traffic Flow on Kentucky Avenue to be Two Way Between Potomac
29 and Fourth Street

30
31 Vice Mayor Lemasters made the motion to change the flow on Kentucky Avenue for two way traffic,
32 seconded by Mayor Wallace. Manager Hendershot explained that, at present, one section is
33 designated for north-bound traffic, another section for south-bound. The street is not two-cars wide,
34 and the issue can be re-visited if problems arise.

35
36 Motion carried unanimously.

37
38 4. Recommend to Eliminate One Loading Zone Space at 231 Jefferson Avenue

39
40 Councilperson Haynes explained that there are currently two spaces at 231 Jefferson Avenue being
41 used as a loading zone, and the Committee recommends eliminating one space and installing a
42 parking meter. After review, Manager Hendershot confirmed that he can address traffic flow, but
43 not parking patterns and explained that the Police Department has some enforcement issues due to