

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**  
2 **AUGUST 7, 2007**

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

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

8  
9 Invocation by City Manager Hendershot.

10  
11 City Clerk Hewitt called the roll and the following councilpersons were in attendance:  
12 Cunningham, DiRemigio, Haynes, Vice Mayor Lemasters, Wood and Councilperson Wallace.  
13 Absent: Simms. Also present: City Manager Hendershot, Police Lt. Robinson, Chief Clarke,  
14 Street Commissioner Richmond, Building Inspector Wise, Attorney Thomas White, CPA  
15 Kathryn Goddard and City Clerk Hewitt. Absent: Police Chief Kudlak (vac).

16  
17 **MINUTES:**

18  
19 **Regular Council Meeting of July 17, 2007.**

20  
21 Councilperson DiRemigio made a motion to accept and approve the minutes of the regular  
22 council meeting of July 17, 2007, seconded by Councilperson Wood. Motion carried  
23 unanimously.

24  
25 **GENERAL PUBLIC HEARING:**

26  
27 \* Larry Vucelick, 27 Simpson Avenue reported the Dunn property having trash, junk and a  
28 collapsed pool in the rear yard of the house.

29  
30 \* Kim Brooks, 208 11<sup>th</sup> Street, presented council with a petition from residents who oppose  
31 installing the billboard sign in their neighborhood. Also, asked that council remove the section  
32 of the code concerning outdoor signs.

33  
34 Councilperson Lemasters made a motion to review the section of the code pertaining to signs in  
35 the City of Moundsville, seconded by Councilperson Wood. Motion carried unanimously.

36  
37 Councilperson DiRemigio made a motion to receive and file the petition presented by Mrs.  
38 Brooks, seconded by Councilperson Lemasters. Motion carried unanimously.

39  
40 **OLD BUSINESS:**

41  
42 **Discussion and Approval of an Ordinance Pertaining to Demolition and Condemnation**  
43 **Process. (Second Reading)**

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

3  
4 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
5 **VIRGINIA, AMENDING AND REENACTING ARTICLE 1105 OF THE MUNICIPAL**  
6 **CODE OF THE CITY OF MOUNDSVILLE AND REPEALING PORTIONS OF**  
7 **ARTICLE 1717 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO**  
8 **PROVIDE FOR THE ADOPTION OF A NEW NUISANCE ABATEMENT AND**  
9 **DEMOLITION ORDINANCE. (SECOND READING)**

10  
11 Councilperson DiRemigio made a motion to accept and approve the nuisance ordinance,  
12 seconded by Councilperson Wood.

13  
14 Attorney White noted that he made approximately nine changes to this ordinance and suggested  
15 if council needs to discuss the changes they may wish to do so at a Policy Meeting.

16  
17 Councilperson DiRemigio withdrew his motion and Councilperson Wood withdrew his second  
18 on the motion.

19  
20 Councilperson DiRemigio made a motion to send this ordinance back to the Policy Committee  
21 for further discussion, seconded by Councilperson Wood.

22  
23 Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.  
24 Motion carried unanimously.

25  
26 **Discussion and Approval of an Ordinance Pertaining to Annexation of Gump Addition.**  
27 **(Second Reading)**

28  
29 Attorney White read the following ordinance by title only to be passed by council on second  
30 reading:

31  
32 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
33 **VIRGINIA, PROVIDING FOR THE ANNEXATION OF 2.49 ACRES, MORE OR LESS,**  
34 **SITUATE IN WASHINGTON DISTRICT, MARSHALL COUNTY, WEST VIRGINIA.**  
35 **(SECOND READING)**

36  
37 Councilperson DiRemigio made a motion to approve the annexation ordinance for Gump  
38 Addition, seconded by Councilperson Lemasters.

39  
40 Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.  
41 Motion carried unanimously.

1 **Discussion of Loading Zone Removed at 231 Jefferson Avenue.**

2  
3 Councilperson Haynes made a motion to remove one loading zone space and add a meter,  
4 seconded by Councilperson Lemasters. Motion carried unanimously.

5  
6 Councilperson Lemasters reported a vehicle parked all day in a loading zone north of 231  
7 Jefferson Avenue.

8  
9 **Discussion and Approval of a Resolution Authorizing Adjusted Water Sales Contract with**  
10 **Public Service District #4.**

11  
12 Manager Hendershot reported the Water Board and PSD #4 changed the minimum sales  
13 agreement from a 20 year to a 40 year sales agreement. Councilperson Wood made a motion to  
14 approve the change in the resolution, seconded by Councilperson Lemasters. Motion carried  
15 unanimously.

16  
17 **Other Items to be Discussed by Council.**

18  
19 \* Councilperson Lemasters reported being at a funeral this day and the procession was not  
20 escorted by the Police Department. Further discussion was held on why officers do not respond  
21 to escort funerals.

22  
23 Lt. Robinson reported that officers are aware of the funerals but may be on a call at the time of  
24 the escort.

25  
26 \* Councilperson Haynes said that on July 19 he reported a vehicle at 8 Oak Avenue with expired  
27 plates and sticker. The vehicle is still parked on Oak Avenue. He also reported a camper parked  
28 in a resident only handicapped parking space at the corner of Brockner & Simpson Avenue.

29  
30 **NEW BUSINESS:**

31  
32 **Discussion and Approval of Requisition #21 for the Moundsville Water Treatment Plant**  
33 **Project.**

34  
35 Councilperson Wood made a motion to approve requisition #21 for the Moundsville Water  
36 Treatment Plant Project, seconded by Councilperson Lemasters. Motion carried unanimously.

37  
38 **Discussion and Approval of a Resolution Authorizing the Execution of a Certain**  
39 **Application for a Grant to the Community Participation Program. (Municipal Buildings**  
40 **\$15,000)**

41  
42 Councilperson DiRemigio made a motion to approve the resolution authorizing the execution of  
43 a certain application for a grant to the Community Participation Program, seconded by

1 Councilperson Lemasters. Motion carried unanimously.  
2

3 **Discussion and Approval of a Resolution Authorizing the Execution of a Certain**  
4 **Application for a Grant to the Community Participation Program. (Recreation \$9,500)**  
5

6 Councilperson Lemasters made a motion to approve the resolution authorizing the execution of a  
7 certain application for a grant to the Community Participation Program, seconded by  
8 Councilperson Haynes. Motion carried unanimously.  
9

10 **Discussion and Approval of a Zone Change Ordinance for 223 Elm Avenue. (First**  
11 **Reading)**  
12

13 Attorney White read the following zone change ordinance by title only to be passed by council on  
14 first reading:  
15

16 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
17 **VIRGINIA, PROVIDING FOR A ZONING CHANGE OF A CERTAIN DESIGNATED**  
18 **AREA AT 223 ELM AVENUE IN THE CITY OF MOUNDSVILLE FROM A GENERAL**  
19 **RESIDENTIAL DISTRICT TO A NEIGHBORHOOD COMMERCIAL SPECIAL**  
20 **DISTRICT. (FIRST READING)**  
21

22 Councilperson Wood made a motion to approve the zone change ordinance, seconded by  
23 Councilperson Haynes.  
24

25 Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.  
26 Motion carried unanimously.  
27

28 **Discussion and Approval of an Abandonment Ordinance Requested by Marshall County**  
29 **Schools for the Connector Alley by Central School. (First Reading)**  
30

31 Attorney White read the following ordinance by title only to be passed by council on second  
32 reading:  
33

34 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
35 **VIRGINIA, VACATING, ABANDONING AND ANNULLING A PORTION OF AN**  
36 **ALLEY INTERSECTING THE NORTH SIDE OF EIGHT STREET AT CENTRAL**  
37 **ELEMENTARY SCHOOL. (FIRST READING)**  
38

39 Councilperson Lemasters made a motion to approve the ordinance for abandonment, seconded by  
40 Councilperson DiRemigio.  
41

42 Mayor Wallace called for a ballot vote. City Clerk announced the following tally. 6 yeas.  
43 Motion carried unanimously.

1 **MANAGER ITEMS:**

2  
3 **Appointment to the Moundsville Housing Authority. (Manager's Appointment)**

4  
5 Manager Hendershot announced that he will be re-appointing Janet Goode to the Moundsville  
6 Housing Authority.

7  
8 **Update on the 12<sup>th</sup> Street Sidewalk Project.**

9  
10 A Department of Transportation grant was awarded to the City of Moundsville in the amount of  
11 \$64,000 for the 12<sup>th</sup> Street Sidewalk Project.

12  
13 Councilperson Lemasters made a motion to receive and file the grant certificate from the  
14 Department of Transportation, Transportation Enhancement Program, seconded by  
15 Councilperson DiRemigio. Motion carried unanimously.

16  
17 **City of Moundsville 2004, 2005 & 2006 Audit Reports.**

18  
19 The Audits for the years 2004, 2005 & 2006 have been received from the state. One major  
20 concerns from the Exit Report that needed addressed was the term of loans, which has been  
21 corrected.

22  
23 **Additional Benches & Picnic Tables for Recreation Areas.**

24  
25 Manager Hendershot announced that Councilperson Cunningham has been working on obtaining  
26 funds for new park benches and picnic tables for recreation areas in Moundsville. At present the  
27 City of Moundsville has received four park benches and one swing from funds donated by local  
28 businesses.

29  
30 **Actuary Study of the Moundsville Police Department Pension.**

31  
32 Information was received from the Actuary Study of the Police Pension showing the value last  
33 year was \$1,692,826.28 compared to the current value of \$2,092,260.39 an increase of \$400,000  
34 in assets.

35  
36 **Fire Department Applying for SAFER Grant.**

37  
38 Chief Clarke will be applying for a SAFER Grant (Staffing for Adequate Fire and Emergency  
39 Response). The grant is for five year and the federal government supplies matching funds on a  
40 sliding scale for four years and the city would have to absorb the total cost in the fifth year. This  
41 is per firefighter salary requested if approved.

1     **Law Enforcement Assistance Grant.**

2  
3     The Moundsville Police Department has been tentatively awarded a \$75,000 grant from  
4     Congressman Alan B Mollohan that will provide funds for manpower, training and equipment  
5     needed to improve law enforcement. This bill have been passed through the Congress and is  
6     pending through the Senate.

7  
8     **Fostoria Glass Project.**

9  
10    The Marshall County Commission in support of the Fostoria Glass Project donated \$20,000  
11    toward the Fostoria Glass Demolition.

12  
13    **State of WV Funding.**

14  
15    The City of Moundsville has received funding from the State of West Virginia for the 2008  
16    Fourth of July Fireworks of \$5,000 and the 2008 Bass Masters Bass Tournament of \$4,000.

17  
18    **Marshall County Youth Club.**

19  
20    The Marshall County Youth Club is requesting a letter of support from the City of Moundsville  
21    to assist in applying for grant funding.

22  
23    Councilperson DiRemigio made a motion to send a letter of support for the Marshall County  
24    Youth Club, seconded by Councilperson Wood. Motion carried unanimously.

25  
26    **Request for Abandonment at Center Street & Ash Avenue.**

27  
28    The Church of God has purchased property on the west side of the alley at Center Street & Ash  
29    Avenue and has requested the alley be abandoned.

30  
31    Councilperson DiRemigio made motion to send this request to the Traffic Committee, seconded  
32    by Councilperson Lemasters. Motion carried unanimously.

33  
34    **Police Lt. David Robinson to Retire.**

35  
36    Manager Hendershot announced the retirement of Lt. David Robinson, in the near future, after 31  
37    years of service to the City of Moundsville Police Department.

38  
39    **MAYOR ITEMS:**

40  
41    Mayor Wallace commented on the amount of dilapidated buildings & houses in the City of  
42    Moundsville. He hopes the city and residents can all do their part in keeping the city clean.

1     **COMMITTEE REPORTS:**

2  
3     **Discussion and Approval of Recommendations by the Finance Committee.**

4  
5     Councilperson Lemasters scheduled a Finance Meeting on Tuesday, August 14, 2007 at 6:00  
6     p.m.

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

9  
10     Councilperson Wood scheduled a Traffic Meeting following the Finance Meeting.

11  
12     **Discussion and Approval of Recommendations by the Policy Committee.**

13  
14     Councilperson Wood scheduled a Policy Meeting following the Traffic Meeting.

15  
16     **COUNCIL ITEMS:**

17  
18     \* **Cunningham** - Asked Councilperson Haynes to call a Refuse Committee. Councilperson  
19     Haynes would like to wait until Manager Hendershot is back from vacation.

20  
21     Mayor Wallace asked that the last member of council to speak, please call an executive session  
22     for personnel matters. Councilperson DiRemigio made a motion to hold an executive session  
23     after council items, seconded by Councilperson Haynes. Motion carried unanimously.

24  
25     \* **Wood** - Asked for an update on the Fostoria Glass project. Manager Hendershot reported the  
26     contractors came to a point in the demolition where they reached five lehr ovens all of which  
27     were heavily contaminated. Over the last month, the lehr oven are being abated while covered  
28     with plastic. Councilperson Wood asked if the contract is going be extended for three years?  
29     Manager Hendershot said the agreement has not been finalized through the Building Commission  
30     at this time.

31  
32     \* Asked that the grass be cut growing through the fence at the Fostoria. Manager Hendershot  
33     will contact the contractors.

34  
35     \* Reported that he spoke with Chief Kudlak and Manager Hendershot concerning the pigeon  
36     problem in Moundsville.

37  
38     \* Asked for an update on the vacant house on First Street across from Smith Mart. Manager  
39     Hendershot reported the owner was found, notified and should be making progress.

40  
41     \* Asked for an update on the closing of 7<sup>th</sup> Street. Manager Hendershot reported the problem is a  
42     Sanitary Board issue. Until about one week ago, the city did not know why the street was  
43     sinking. Traffic was not permitted on the street because of the potential dangers of the street

1 sinking. It was discovered the 22' deep sewer pipe had collapsed again. The Sanitary Board is in  
2 search of funding in approximately the \$500,000 range. The street will stay closed until it can be  
3 repaired.

4  
5 \* Any follow-up on Gordon's Property. Building Inspector Wise reported not at this time.

6  
7 \* Asked if the city can borrow money to pave streets? Manager Hendershot said the city  
8 probably could, but when you start paying interest you pave less streets the next time.  
9 Discussion was held on residents paying to pave their own streets.

10  
11 \* **DiRemigio** - Discussed how paving was done in the city several years ago when the citizens  
12 paid a portion and the city paid a portion of the paving.

13  
14 \* Congratulations to Lt. Dave Robinson on his retirement. Councilperson DiRemigio was Mayor  
15 when Lt. Robinson was hired as a patrolman.

16  
17 \* Commended the Fire Department on their training as First Responders.

18  
19 \* Councilperson DiRemigio made a motion to purchase the remaining vests for the Police  
20 Department now, seconded by Councilperson Wood. Motion carried unanimously.

21  
22 \* Asked if the city was aware of the contaminations at the Fostoria. Manager Hendershot  
23 advised that Protesta performed a site evaluation on the property showing where all the "hot  
24 spots" and contaminations are located.

25  
26 \* **Lemasters** - Asked for an update from 14 Potomac Street. Building Inspector Wise will meet  
27 with the owner on August 8, 2007.

28  
29 \* Asked for a work order for the property behind Dr. Shondrick's Animal Hospital on Lockwood  
30 Avenue.

31  
32 \* Requested the Dura Patcher on Water Street by the Horseshoe Courts.

33  
34 \* Reported potholes on Ninth Street.

35  
36 \* Reported a water problem on Myrtle Avenue at the Fairgrounds gate. Manager Hendershot  
37 advised they found the water drainage problem was the responsibility of the Fair Board.

38  
39 \* Asked the Street Department to widen the yellow line at the Calvary Church on the First Street  
40 side.

41  
42 \* **Haynes** - Nothing at this time.