

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
OCTOBER 3, 2011**

The Council of the City of Moundsville met in regular session in the Council Chambers on October 3, 2011 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by City Manager Allen Hendershot.

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

MINUTES:

Regular Council Meeting of September 20, 2011.

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

GENERAL PUBLIC HEARING:

* Danny Jacobs, 203 Simmons Drive, doesn't believe that city council should endorse one company, Service Line Warranties of America, to ensure residents in the event they would be a water or sewer line break. He believes that should be provided by someone local. Mr. Jacobs also ask why this company was chosen by the city and does the city receive any money from this company for endorsing them?

Manager Hendershot advised that Service Line Warranties only insures the residence for a water or sewer line break from the house to the street. They contract local contractors to perform the job. Manager Hendershot also advised that Service Line Warranties provided council with a presentation and no other company had approached council before. The city receives a small portion of the agreement fee.

Mr. Jacobs asked if the city has any control over the Comcast Cable Franchise? Manager Hendershot advised they city has some control but it is limited. The federal government controls what cities can and can not do. Comcast passes the franchise fee onto the customer.

And lastly, Mr. Jacobs commented that he would like to see something more substantial be built in the Fostoria area.

* Carl Boso, 305 Tenth Street, complained that City Manager Hendershot sent an officer to his business concerning a truck parked on the street. Mr. Boso said the vehicle did not belong to him, but because it was parked in front of his business the city feels that he is responsible. Also reported that the Street Department Foreman stopped at his business and told his son that weeds need cut in front of his property. Mr. Boso reported the high grass is on the state property, not his property. Mr. Boso reported there is high grass on state property 11th Street opposite side of bridge. Also asked that if the city is going to look at vehicles in front of his business, they need to start looking at all the illegal vehicles in town, one being parked behind the police department that has been there for over a year. Mr. Boso is tired of being picked on.

OLD BUSINESS:

Discussion of Trick or Treat in the City of Moundsville.

Manager Hendershot noted that Glen Dale is holding theirs on Sunday, October 30, 2011 while McMechen and Benwood are holding theirs on Monday, October 31, 2011.

Councilperson Saunders moved to hold Trick or Treat on Monday, October 31, 2011 from 6:00 to 7:30 p.m., seconded by Simms. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning a Proposed Zone Change for 1107 12th Street. (Second Reading)

Manager Hendershot read the following zone change ordinance by title only to be passed by council on second reading:

AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA 1107 TWELFTH STREET IN THE CITY OF MOUNDSVILLE FROM AN INDUSTRIAL ZONE TO A SPECIAL CONSERVATION ZONE

Councilperson Simms made a motion to accept and approve the zone change ordinance for 1107 12th Street, seconded by Councilperson DeWitt.

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

Other Items to be Discussed.

- * Councilperson Saunders asked Chief Mitchell if he has checked on the COPS Fast Grant? Chief Mitchell advised that he has researched grants on line but the COPS Fast is not available at this time.
- * Councilperson Wood asked for the date of the next Building Commission meeting. Manager Hendershot advised Wednesday, October 5, 2011 at 6:00 p.m., in which he will provide council with a recommendation.
- * Councilperson Wood asked if Chief Mitchell was going to wait before deciding to resell the scales. Chief Mitchell confirmed.
- * Councilperson Wood congratulated everyone involved in the with the Fall Festival, the MEDC and the Zombie Walk.
- * Councilperson Remke requested a building report once a month. Manager Hendershot will email the copy.
- * Councilperson Remke asked for a status on abandoned vehicle behind the police department. Chief Mitchell advised the owner will have vehicle moved this week.
- * Councilperson Remke requested the sign ordinance be sent to the Policy Committee.
- * Councilperson Remke requested the Traffic Committee discuss tour bus parking on Jefferson Avenue.
- * Councilperson DeWitt was pleased with the Fall Festival and commented that merchants work well together on the Fall Festival. Suggested that Jefferson Avenue be closed next year for the festival.
- * Councilperson Wood requested the Policy meeting be conducted first followed by the Finance and Traffic.
- * Councilperson Remke requested further discussion of constructing Poplar Avenue through the fairgrounds onto 12th Street. Manager Hendershot advised the Fair Board was not interested in placing the rode through the fairgrounds property. It was discussed to build the road on city property in Valley Fork Park. It was also suggested to contract the Fair Board Director offering to take over their main road through fairgrounds making it a public road that the city will maintain.
- * Councilperson Saunders received complaints from neighbors concerning OH plated vehicle at 329½ Thorn Avenue and the 6 foot fence which was denied by the Moundsville Planning Commission has not been removed. Manager Hendershot advised work order was given to the Police Department concerning the vehicles and given to the Building Inspector for the fence.

Chief Mitchell advised that Officer Sayman turned the information for the vehicles over to the Marshall County Assessor's Office. And reported the fence is still at the 6 foot height.

* Councilperson Saunders asked for the status of the old DOH Building at Third Street & Jefferson Avenue. Building Inspector Mercer advised the owner is supposed to contact the Building Inspector sometime next week.

* Councilperson DeWitt reported that Mrs. White of 1501 Fourth Street has had three porches replaced on the house but still have other issues to be addressed in court.

NEW BUSINESS:

Discussion & Approval of Bids for the City Building Lighting.

Bids were received on September 22, 2011 for city building lighting from the following companies:

1. Rose Electric	\$12,795.00
2. Billy Pryor Contracting	\$12,720.00
3. Yahn Electric	\$6,623.00

Councilperson Saunders made a motion to accept the low bid of \$6,623.00 from Yahn Electric, seconded by Councilperson Wood. Motion carried unanimously.

Discussion & Approval of Bids for the City Building Roof.

Manager Hendershot advised that bids received were from the following contractors:

1. Kalkreuth Roofing	\$20,175.00
2. N F Mansuetto & Sons	\$26,860.00

Manager Hendershot suggested rebidding the roof project specifying overlay and not removal of the whole roof.

Discussion and Approval of an Ordinance Concerning Payment for Attendance at Water Board Meetings. (First Reading)

Manager Hendershot 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 SECTION 145.05 OF THE CITY CODE TO REMOVE THE MONTHLY CAP ON PAYMENTS FOR MEMBERS ATTENDING MEETINGS (FIRST READING)

Councilperson Wood made a motion to accept and approve the above ordinance, seconded by Councilperson Remke.

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

Discussion and Approval of an Ordinance to Abandoned the Alley Behind 10 Ford Street. (First Reading)

Manager Hendershot read the following abandonment ordinance by title only to be passed by council on first reading:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, VACATING, ABANDONING AND ANNULLING A PORTION OF AN ALLEY INTERSECTING FORD STREET IN THE CITY OF MOUNDSVILLE (FIRST READING)

Councilperson Saunders made a motion to accept and approve the above ordinance, seconded by Councilperson DeWitt.

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

Other Items to be Discussed by Council.

* Councilperson Remke said he spoke with an owner of a building at Third Street & Jefferson Avenue who has no insurance on the building and has 6 inches of water in the basement due to the water break last week on Jefferson Avenue. Manager Hendershot suggested the owner contact the Sanitary Board to pump the water from the basement and could file a claim with one of the city's departments if they wish.

Councilperson Saunders asked who would be liable for claim? Manager Hendershot advised that a meeting was being scheduled with the Water Board, Sanitary Board, engineers and construction company to try to determine what caused the leak and go from there.

* Councilperson Wood feels the city is moving in the right direction with the Comprehensive Plan. Manager Hendershot advised he will be receiving basic information for the city to enter into a Memorandum of Understanding. The information will be brought before council, the city will enter into the memorandum of understanding and start the process.

* Councilperson Wood has received complaints from citizens concerning a “Third Party Tax” in which residents are taxed on their phone bills. Manager Hendershot advised that Frontier charges the tax for residents in city limits, all others will have to be refunded by Frontier.

* Councilperson Wood noted that Family Resource Network (FRN) has purchased the old Convenient Store at Second Street & Cedar Avenue.

* Councilperson Saunders asked if the Water Board was still trying to sell their building. Manager Hendershot advised the board is open to options, but keeping the building at this time.

* Councilperson Saunders asked for an update on Sanford Center. Manager Hendershot announced the Sanford Center will be holding a carnival on Saturday, October 8, 2011 with a craft show. The Family Resource Center will hold their open house on Saturday also.

MANAGER ITEMS:

Update on the Comprehensive Plan.

Manager Hendershot announced through WVU he hopes to have a community development team come in and assist with the Comprehensive Plan. They are also trying to partner with the Appalachian Coal Country Team and potentially obtain a VISTA Volunteer to help with the process. We have been in contact with Michael Darby, WVU Extension Office Professor, who has helped with the Request for Proposal (RFP).

Thank You Letter.

The Moundsville Activities Committee sent council members a thank you letter for the City’s involvement in the Fall Festival of Thrills.

Councilperson Wood made a motion to receive and file the thank you letter, seconded by Councilperson DeWitt. Motion carried unanimously.

13th Street Park Contract Renewal.

Manager Hendershot received the proposed 13th Street Park Contract renewal from the Division of Natural Resources. The contract was originally signed as a 25 year contract for the 13th Street boat ramps. This contract will be on the next Policy Committee agenda.

Community Partnership Project Grants.

Delegates Michael Ferro and Scott Varner announced the City of Moundsville obtained two Community Participation Project grants \$4,000 for computer improvements and \$2,000 for the Moundsville Baseball Association for Field Improvements.

Moundsville Building Enforcement Agency.

Building Inspector Brandon Mercer has conducted an inspection of 4 Laroka Heights. The Moundsville Building Enforcement Agency has found the structure to be a nuisance and a danger to the health, safety and welfare of the public. It is recommended that the city take summary abatement action on this structure.

Fire Chief Clarke reported the neighbors have an agreement with the owner of 4 Laroka Heights to purchase and raze the structure.

Abatement Inspection.

Manager Hendershot reported an asbestos inspection will be done for 1307 North Street in the amount of \$500. Demolition will proceed as soon as possible thereafter.

Legal Certifications.

Legal advertisement published in the Moundsville Daily Echo were submitted to be received and filed by council for the following:

1. Bids for City Building Roof
2. Suit for Ann M Smith
3. Variance for garage at 10 Mulberry Avenue
4. Variance for 10x36 concrete slab at 1208 9th Street

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

MAYOR ITEMS:

* Mayor Wallace commended all those involved in the Fall Festival of Thrills & the Zombie Walk.

* Mayor Wallace has received great reviews with music on Jefferson Avenue.

COMMITTEE REPORTS:

Discussion and Approval of Recommendation by the Policy Committee.

Councilperson Wood scheduled a Policy meeting on October 11, 2011 at 5:00 p.m.

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Saunders scheduled a Finance meeting following the Policy meeting.

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson Simms scheduled a Traffic meeting following the Traffic meeting.

COUNCIL ITEMS:

- * **Haynes** - Nothing at this time.
- * **DeWitt** - Wished to thank Delegates Scott Varner & Mike Ferro for the grants.
- * Received compliments on the music on Jefferson Avenue, however a couple said music was too loud. Councilperson Remke advised volume is being tweaked.
- * **Simms** - Nothing at this time.
- * **Wood** - Reminded everyone to VOTE.
- * Announced that Sgt. Whipkey was retiring from Police Department and Building Inspector Mercer was also resigning as Building Inspector.
- * Thanked council for helping in the process for hiring a City Manager.
- * Asked when paving will start, noticed Center Street was milled.
- * **Remke**- Nothing at this time.
- * **Saunders** - Commended the MEDC & Activities Committee for Zombie Walk & Fall Festival of Thrills.
- * Announced that three Parks & Recreation Board members & Director Baker will be attending a seminar Wednesday, October 5, 2011.
- * Reported the kitchen at the Valley Fork shelter was left a mess by the Moundsville Baseball Association. He will bring this matter to the attention of the Parks & Recreation Board.

Councilperson Saunders moved to hold an executive session for personnel matters, seconded by Councilperson Wood. Motion carried unanimously.

Meeting recessed at 8:10 p.m.

Meeting reconvened at 8:15 p.m.

Executive session began at 8:15 p.m.

Executive session recessed at 8:27 p.m.

Regular session reconvened at 8:27 p.m.

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

Meeting adjourned at 8:27 p.m.

Karen Ankrom, Acting City Clerk

Dennis Wallace, Mayor