

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
SEPTEMBER 18, 2007**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on September 18, 2007 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: Cunningham, Vice Mayor Lemasters, Simms, Wood and Mayor Wallace. Absent: DiRemigio & Haynes. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Vickers, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

**MINUTES:**

**Regular Council Meeting of September 4, 2007.**

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of September 4, 2007, seconded by Councilperson Simms. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\* Brad Varlas, 1107 12<sup>th</sup> Street, noted that he was representing himself and informed council members that Councilperson Simms will be voting against anything that the Moundsville Volunteer Fire Department requests due to personal matter between their sons.

Councilperson Simms reflected that he has supported the Moundsville Police Department as long as he has been on council and has been trying to obtain ambulance service for the City of Moundsville for a long time.

**OLD BUSINESS:**

**Discussion and Approval of an Ordinance Pertaining to Outdoor and Open Fires. (Second Reading)**

Attorney White read the following ordinance by title only to be passed by council on second and final 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. (SECOND READING)**

Councilperson Lemasters made a motion to accept the outdoor burning and fires ordinance, seconded by Councilperson Wood.

Mayor Wallace called for a roll call vote. City Clerk announced the following tally. 5 yeas. Motion carried unanimously.

### **Discussion of Alterations to the Landfill Bridge.**

The landfill bridge built last year with DEP funds and was part of the landfill closure process is in need of alterations due to an ice jam that occurred behind the bridge last winter. Engineers from Department of Transportation suggested building ramps onto the upstream side of the bridge that would allow the ice as it collected to wash up over the bridge. The DEP was contacted and requested an extension on the grant process to allow funding to continue. Due to the weather and timing the engineer requested the city consider declaring this project an emergency purchase in order to have the alterations started before colder weather. If council wishes to use the bid process the advertisement, the bid could be back to council at the next regular council meeting.

Attorney White commented that city charter provides that anything more than \$10,000 has to be put out for bid. "In the event that of any emergency requiring immediate action, the council by resolution may waive the requirements for competitive bidding providing the resolution set forth the nature of the emergency and the necessity for the immediate action."

Mayor Wallace made a motion to declare this matter an emergency being necessary to protect the residents in the area from future flooding and to assure that council take immediate action before inclement weather, seconded by Councilperson Wood. Motion carried unanimously.

### **Other Items to be Discussed by Council.**

\* Councilperson Lemasters brought to council's attention the request to replace asphalt at the Valley Fork Walking Trail for \$3700. Attorney White's expressed his opinion in using the Municipal Fee for paving the walking trail stated the ordinance specifically defines the use of the funds for street improvements and street lighting. Manager Hendershot noted there are some funds in the Street Department budget that could be used for the trail.

Councilperson Simms made a motion to replace the asphalt at the Valley Fork Walking Trail, seconded by Councilperson Lemasters. Motion carried unanimously.

### **NEW BUSINESS:**

### **Discussion and Approval of an Ordinance Pertaining to Outdoor Off-Premises Advertising**

**Signs. (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 1389.11 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROHIBIT OUTDOOR OFF-PREMISES ADVERTISING SIGNS WITHIN 500 FEET OF A PUBLIC PARK IN THE CITY. (FIRST READING)**

Councilperson Simms made a motion to accept and approve the outdoor sign ordinance, seconded by Councilperson Lemasters.

Councilperson Simms asked if this ordinance will stop the billboard being erected near the Riverfront? Attorney White stated as long as they have met the criteria and application has been made on the permit the billboard can proceed.

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

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

Councilperson Simms questioned council as to whether or not they were interested in the property near the Riverfront Park? Manager Hendershot advised that council could discuss this further at an Executive Session concerning Real Estate matters.

**MANAGER ITEMS:**

**NIMS Training.**

Manager Hendershot, Vice Mayor Lemasters and several department heads attended the FEMA ISO 100, 200 & 700 class taught by Chief Clarke. Anyone that participates in the command center under the present standards will have to obtain the 300 & 400, which will be scheduled at a later date.

Also, council needs to pass an ordinance or a resolution that implements NIMS as the City of Moundsville's mode of operation in an emergency situation. Mayor Wallace made a motion to draft a resolution implementing NIMS as a mode of operation in an emergency, seconded by Councilperson Simms. Motion carried unanimously.

**Rural Water Association Conference.**

Manager Hendershot attended several meetings at the Rural Water Association Conference in

Snowshoe.

**Update of 7<sup>th</sup> Street Project.**

The Sanitary Board is moving forward with core sampling, drilling approximately 40 feet down or 15-20 feet below the existing pipe to find out what is in the base, what the problem is and what the best way will be to repair the pipe.

**Business After Hours.**

The Marshall County Chamber of Commerce is sponsoring Business After Hours hosted by Perkins, to be held at Perkins on Thursday, September 27, 2007, 5-7 p.m.

**Chamber of Commerce Dinner.**

The Marshall County Chamber of Commerce is holding their annual dinner at the Moundsville Training Center on October 4, 2007, Cocktails at 5:30 p.m., Dinner at 6:30 p.m. Don Nehlen will be guest speaker.

**Marshall County Youth Club.**

The Marshall County Youth Club sent a thank you letter to council thanking them for a monetary donation for the club.

Mayor Wallace made a motion to receive and file the letter, seconded by Councilperson Wood. Motion carried unanimously.

**MAYOR ITEMS:**

\* Mayor Wallace sent condolences to Councilperson Haynes and his family on the recent loss of his wife. Ohio Valley Hospital was holding a memorial service for her tonight.

**COMMITTEE REPORTS:**

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

1. Recommend the Purchase of a Gas Monitor for the Fire Department in the Amount of \$3,900.

Councilperson Lemasters made a motion to purchase the gas monitor for the Fire Department, seconded by Councilperson Simms. Motion carried unanimously.

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

1. Recommend the Approval for a Handicapped sign at 113 Jefferson Avenue.

Councilperson Simms made a motion to approve a handicapped parking space at 113 Jefferson Avenue, seconded by Councilperson Wood. Motion carried unanimously.

### **COUNCIL ITEMS:**

\* **Cunningham** - Reported the traffic on Second Street at Court Avenue has slowed down. Manager Hendershot said that he spoke with the Prevention Resource Officer at Jr High who said he would speak to the teachers.

\* Asked Manager Hendershot for a list of businesses who ordered swings or benches.

\* Asked if the football teams are going to take over the field at the Riverfront. Manager Hendershot advised the Panther Football Team is practicing in that field at this time. They are aware when the campground is complete, they will no longer be allowed to utilize that field.

\* Asked for an update on the camp sites. Manager Hendershot advised that he spoke to Jack Tush and received a list of materials needed for the sites.

\* **Simms** - Nothing at this time.

\* **Wood** - Noticed "No Trespassing" signs on the Gordon's Property, grass has been cut and the sign is falling off the front. Manager Hendershot reported the Police Department assisted Building Inspector Wise in obtaining a search warrant for access of the property. Reports are being made and photographs are being taken. However, there is a company interested in purchasing the property, razing the building and placing a new business on the site.

\* **Lemasters** - Reported property at 1514 & 1516 Fourth Street need cleaned up, one was previously on fire.

\* Asked about a wage scale for the Street Department for newly hired employees certified in operating equipment.

\* Commended Sgt. Helms on the article in the Echo when he responded to a call on McConnell Drive.

Councilperson Lemasters made a motion to hold an Executive Session for Real Estate matters after a five minute recess, seconded by Councilperson Wood. Motion carried unanimously.

Meeting recessed at 7:47 p.m.

Meeting reconvened at 8:00 p.m.

Executive Session began at 8:00 p.m.

Executive Session recessed at 8:21 p.m.

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

Meeting adjourned at 8:22 p.m.

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Sondra J. Hewitt, City Clerk

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Dennis Wallace, Mayor