

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
OCTOBER 7, 2008**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on October 7, 2008 at 7:00 p.m.

Meeting was called to order by Mayor Wayne Lemasters.

Invocation by Councilperson Mark Simms.

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

**MINUTES:**

**Regular Council Meeting of September 16, 2008.**

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of September 16, 2008, Councilperson Wallace made a correction on page 2, line 10 should be Mayor Lemasters, not Wallace. Councilperson Wallace seconded the motion as amended. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\* David White, 406 Clinton Avenue, asked what the contractors were going to do about a water drainage problem that was discovered at the Seventh Street project? Manager Hendershot advised that they met with engineers and it appears the problem is a hydraulic phenomenon where one area is draining faster than the other. The engineers are confident the pipe has been installed properly and it is not going to be an issue. Mr. White asked when GAB Inc was going to start on the Fostoria Project? Manager Hendershot advised they can start at anytime but first they need to submit the proposal to DEP for the abatement. Mr. White also asked if council was going to proceed with repercussions for council members not attending meetings? Attorney White advised he is ready to approach council at a Policy Meeting.

**OLD BUSINESS:**

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

Councilperson Simms asked Attorney White if there was a possibility that the City can file a declaratory judgement for the empty council seat of the Fourth Ward? Attorney White advised there is a provision in the WV State Code that provides for removing council members for

misfeasance and malfeasance from office. It can be started by a petition by citizens. There would then be a convention of judges to hear the case.

After further discussion, Councilperson Wallace asked Attorney White if he had some information to bring before the Policy Committee concerning this matter? Attorney White advised he does have information and requested council to place the item on the agenda for the Policy Committee.

Councilperson Wallace made a motion to place on the agenda a charter amendment concerning the attendance of council members, seconded by Councilperson Simms. Motion carried unanimously.

**NEW BUSINESS:**

**Discussion of Date and Time for Trick or Treat in Moundsville.**

Councilperson Wood made a motion to hold Trick or Treat in Moundsville on Thursday, October 30, 2008 from 6:00-7:30 p.m., seconded by Councilperson Haynes. Motion carried unanimously.

**Discussion to Reschedule November 4 Council Meeting.**

Councilperson Simms made a motion to reschedule the regular council meeting of November 4, 2008 to November 5, 2008 because of WV General Election, seconded by Councilperson Wallace. Motion carried unanimously.

**Discussion and Approval of Bids for the Handicapped Sidewalk Project.**

Two bids were received on October 3, 2008 for the Handicap Accessible Parallel Street Parking Spaces & Sidewalk Ramps:

- |    |                     |
|----|---------------------|
| 1. | J&R Excavating      |
|    | \$49,950.00         |
|    | Moundsville WV      |
| 2. | Savage Construction |
|    | \$35,469.00         |
|    | Wheeling WV         |

Councilperson Wallace made a motion to accept the low bid from Savage Construction in the amount of \$35,469.00, seconded by Councilperson Haynes. Motion carried unanimously.

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

\* Councilperson Simms asked Building Inspector Wise if Remke Warehouse on Second Street has been sold and if it does sell, is the zone still residential? Inspector Wise advised the building has not been sold to his knowledge and the zone will stay residential.

\* Councilperson Simms asked if a resident lived on Rt. 2 where the zone was changed to CCCH can they have their property re-zoned to residential without paying the \$100 fee? Inspector Wise advised the resident will have to follow the procedures for a zone change including paying the \$100 fee.

## **MANAGER ITEMS:**

### **Demolition of 1223 First Street.**

Manager Hendershot entered into a contract with Norris Environmental for the demolition of 1223 First Street. A start date has not been given at this time, but should be within a couple of weeks.

### **John Marshall Homecoming Parade 2008.**

Manager Hendershot announced the John Marshall Homecoming Parade is scheduled for Wednesday, October 8, 2008 at 7:00 p.m., due to construction of the Field House.

### **Governor Manchin to Attend Dedication of School Projects.**

City Council is invited to attend the dedication of the Central School at 11:45 a.m. and John Marshall High School Center for Performing Arts at 12:10 p.m., with Governor Manchin attending.

### **Public Service Recognition Week.**

Governor Manchin has declared the week of September 20, 2008 thru October 3, 2008 as Public Service Recognition Week. The Northern Regional Correctional Facility will be celebrating with a cookout on Thursday, October 16, 2008 from 11:00 a.m. to 3:00 p.m.

### **Meeting with Commercial Insurance Representative.**

Manager Hendershot met with Catherine Simmons from Commercial Insurance who provided council with copies of a draft showing loss analysis for employees on compensation or on the job injuries. There has been a dramatic decrease since implementing safety programs and hiring a safety director.

### **Business After Hours.**

The Marshall County Chamber of Commerce is hosting Business After Hours sponsored by

American Amish Furniture Company and Sleep Outfitters at 1003 Fourth Street, October 16, 2008 from 5:00 p.m. to 7:00 p.m. Any council member wishing to attend must contact Marilyn Kaufman.

**Marshall County Fair Appreciation Dinner.**

The Marshall County Fair Board has invited council to the Friends of the Fair Appreciation Dinner held on Wednesday, October 15, 2008 at 6:30 p.m. at the United Bank Building at the Fair Grounds. Any council member wishing to attend must contact Marilyn Kaufman.

**U.S. Department of Justice Grant.**

The Moundsville Police Department has received a grant award from the Department of Justice under the COPS Technology Program in the amount of \$70, 148.00 for the purchase of software.

**Bel O Mar Regional Council.**

Manager Hendershot announced that he has been appointed to the Transportation Prioritization Committee representing Marshall County along with County Commissioner Don Mason and Bernie Twigg of Bel O Mar Regional Council.

**MAYOR ITEMS:**

\* Mayor Lemasters reported complaints from residents on Sixth Street of damage to the street since Seventh Street is under construction and heavy traffic & machinery is using Sixth Street.

**COMMITTEE REPORTS:**

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

Councilperson Wallace scheduled a Finance Meeting on Tuesday, October 14, 2008 at 5:00 p.m.

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

Councilperson Simms scheduled a Traffic Meeting that will follow the Finance Meeting.

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

Councilperson Wood scheduled a Policy Meeting that will follow the Traffic Meeting.

**COUNCIL ITEMS:**

\* **Haynes** - Made a motion to send to the Traffic Committee recommend installing "No Parking

this Side” signs from Walnut Avenue to Parrs Run, seconded by Councilperson Simms. Motion carried unanimously.

\* **Simms** - Thanked the City Manager for sending the letter of congratulations for the Blue Ribbon Award to Principal Wood at John Marshall.

\* Request to discuss the employee Christmas Bonus in the Finance Meeting.

\* Thanked the Police Department for their responses to all the fight calls this weekend on Jefferson Avenue. Commended them for a good job.

\* **Wallace** - Reported pot hole on 8<sup>th</sup> & Washington Avenue.

\* Reported the catch basin at s/w corner of 9<sup>th</sup> & Grant Avenue is covered with grass.

\* Reported a light out at the east corner of the City Building.

\* **Wood** - Noticed the tree was cut that hanging over the alley at 1900½ Meighen Avenue.

\* Received complaint from 12<sup>th</sup> Street resident of tires in the drainage area that were left from a previous flood. Manager Hendershot advised he would have Street Department look at the problem, but this area was cleaned up after the last flood.

Councilperson Wood made a motion to adjourn, seconded by Councilperson Wallace. Motion carried unanimously.

Meeting adjourned at 7:33 p.m.

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Sondra J. Hewitt, City Clerk

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Wayne Lemasters, Mayor