

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
SEPTEMBER 20, 2011**

The Council of the City of Moundsville met in regular session in the Council Chambers on September 20, 2011 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation was given by City Manager Allen Hendershot.

City Clerk Hewitt 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 Schneider, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: Street Commissioner Richmond.

MINUTES:

Regular Council Meeting of September 6, 2011.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of September 6, 2011, seconded by Councilperson Saunders. Motion carried unanimously.

Welcome, John Marshall High School History Class.

Mayor Wallace welcomed John Marshall High School History Class to the Moundsville Council Meeting.

GENERAL PUBLIC HEARING:

* Jeanie Carr, 12 Jason Drive, complained that James Farmer who resides at 329½ Thorn Avenue with Susie Darrah has installed a 6 foot fence around the house, even though the Planning Commission denied a 6 foot fence. Mr. Farmer also has 5-6 Ohio plated vehicles parked in the back yard of the residence.

Discussion was held on the Ohio vehicles in the back yard. Building Inspector Schneider advised that a certified letter was sent to 329 ½ Thorn Avenue concerning the work that should have been done by October 1, 2011. Ms. Darrah and James Farmer have not complied with the letter.

* Beverly Conner, 331 Thorn Avenue complained that the fence at Susie Darrah's residence is on her property. Ms. Conner has had her property surveyed three times and doesn't feel she should have to pay to have her property surveyed again. Attorney White informed Ms. Conner

that she will have to speak with an attorney concerning the fence on her property because that is a civil matter.

* Robert Wolfe, 111 Sandy Avenue, also Moundsville Building Commission member, told council that he was concerned about transferring the Fostoria property over to GAB. Mr. Wolfe wants everyone to be on the same page before the transfer so problems don't occur in the future.

* Jimmy Jackson, RD 2 Box 385, Moundsville, would like to thank council for allowing the John Marshall History class attend the council meeting.

OLD BUSINESS:

* Councilperson DeWitt provided council members with copies of a letter from Howard Mullens, Deputy Secretary of Transportation/Assistant Commissioner of Highways, concerning her request for left turn signal for the eastbound and westbound traffic at the Twelfth Street in Moundsville. The letter explains the request as not feasible and would be detrimental to the overall operation of the traffic at the intersection.

* Councilperson DeWitt reported the house at 1112 Ninth Street is being tore down.

* Councilperson Remke asked Chief Mitchell if officers have started using the scales. Chief Mitchell advised that a meeting DOH to explain the scales, the code sites and the fines. Council discussed the possibility of selling the scales if officers are not going to use them. Mayor Wallace feels that council was misinformed about the scales. Manager Hendershot noted that truck traffic has slowed down since all the construction on Rt. 2 and Jefferson Avenue and he would suggest holding onto the scales at least until the construction is complete. Councilperson DeWitt commented that Cameron was siting the lead vehicle which was not in compliance.

* Councilperson Remke asked if the city was going to do anything about the building at Third Street & Jefferson Avenue that is setting vacant. Fire Chief Clarke reported that he spoke with the owner who advised that the building will be ready for inspection by the end of October, 2011.

* Councilperson Remke also reported that windows are starting to fall out of the old DOH Building at Third Street & Jefferson Avenue north/west corner.

* Councilperson Remke reported E-Government representative Sara McDowell is no longer the contact person, Ian McQuin has taken her place. Councilperson Remke made arrangements for Officer Supervisor Deanna Hess and Mr. McQuin to speak.

* Councilperson Remke reported an abandoned vehicle at 7th Street & Cedar Avenue. Mr. Remke was that the vehicle was gone.

* Councilperson Remke reported a vehicle behind the Police Department since 2008. Chief

Mitchell the owner will be moving that vehicle.

* Councilperson Saunders asked for an update on the property at 1501 Fourth Street. Chief Clarke advised since the owner has not done any repairs to the property, a hearing will be held on October 6, 2011 at 4:00 p.m.

* Councilperson Simms asked for an update on the COP Fast Program. Chief Mitchell advised that time has lapsed on that program. Councilperson Simms asked if there would be any such grants for a Code Enforcement Officer? Chief Mitchell will look.

* Councilperson Saunders asked Chief Mitchell the status of the new police cruiser. Chief Mitchell advised he has already ordered two cars. Councilperson DeWitt commented that council approve the purchase of one cruiser.

* Councilperson Wood asked the cost of reclassifying two officers from Sergeant to Corporal and PFC to Sergeant? Chief Mitchell reported \$2,784.80.

NEW BUSINESS:

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

Attorney White read the following zone change ordinance by title only to be passed by council on first 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. (FIRST READING)

Councilperson Wood made a motion to accept and approve the zone change ordinance at 1107 12th Street, seconded by Councilperson Haynes.

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

Discussion and Approval of an Ordinance Concerning a Lot Combination for 10 & 12 Mulberry Avenue. (First Reading)

Attorney White noted the lot combination for 10 & 12 Mulberry Avenue did not need an ordinance.

Appointment to the Moundsville Building Commission.

A letter was received from David Parsons hoping to be appointed to the Moundsville Building Commission.

Mayor Wallace made a motion to appoint David Parsons to the Moundsville Building Commission, seconded by Councilperson Saunders. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Haynes reported that 4 Laroka Heights is vacant, kids are drinking in house leaving bottles and cans all over the yard.

* Councilperson Wood reported the empty lot across from Smith Mart needs cut.

* Councilperson Wood provided Councilperson Saunders and the Parks & Recreation Board with a phone number of Everett Byrd to help with ideas concerning the pool.

* Councilperson Wood asked council members to set a date to discuss the hiring process for City Manager. Council decided to schedule a workshop on Tuesday, September 27, 2011.

* Councilperson Remke asked that the city set up another court date for only dilapidated buildings.

* Councilperson Remke asked if the city gets reimbursed for the time that officers & building inspectors take to research, send letters and inspect properties? Attorney White informed Mr. Remke the city does not.

* Councilperson Remke would like to see the City of Moundsville using only items & articles made in the USA.

* Councilperson Haynes reported the owners of the old carpet barn have boarded up the windows and replaced some.

MANAGER ITEMS:

* Manager Hendershot announced that Police Sgt. Darren Whipkey will be retiring on October 3, 2011.

* Business After Hours at Perkins September 22, 2011 from 5-7 p.m.

Legal Advertisements.

Attorney White presented council with legal advertisements published in the Moundsville Daily Echo to be received and filed by council:

1. Magistrate Suit Against Heather Hartley
2. Magistrate Suit Against Tracy Longwell
3. Magistrate Suit Against Thelma Lashare

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

MAYOR ITEMS:

YWCA of Wheeling & Women's Club of McMechen.

Mayor Wallace announced that YWCA of Wheeling and Women's Club of McMechen have joined forces to sponsor a walk, "Stride by Stride, Side by Side" against domestic violence on Sunday, October 2, 2011 from 1:00 p.m. to 4:00 p.m. at the Monarch Field in Moundsville.

Buddy Poppies by the Veterans of Foreign Wars.

Mayor Wallace signed a Proclamation for the annual distribution of Buddy Poppies by the VFW on October 6, 7, & 8, 2011.

COMMITTEE REPORTS:

Discussion of Recommendations by the Finance Committee.

1. Discussion of Employees' Eye and Dental Insurance. Committee recommends bring before full council.

Councilperson Simms moved to table changing eye and dental insurance providers until more information is provided, seconded by Councilperson DeWitt. Motion carried unanimously.

2. Discussion of Cost for City Building Roof. Committee recommends going out for bid for roof work.

Manager Hendershot advised he is already in the process of preparing the bid specifications.

3. Discussion of Water Department By-Laws in Reference to Payment for Attending Meetings. Committee recommends directing the City Attorney to draft an ordinance reflecting payment change.

Councilperson Simms made a motion to direct the City Attorney to draft an ordinance reflecting the payment change, seconded by Councilperson Haynes. Motion carried unanimously.

4. Discussion of Fostoria with the Moundsville Building Commission and GAB. Committee recommends to proceed with transferring Fostoria property to GAB.

Councilperson Saunders made a motion to table this matter until Moundsville Building Commission can meet with their newly appointed member, seconded by Councilperson Simms.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Wood, Simms, Saunders, DeWitt and Remke voting yea. Haynes and Mayor Wallace voting nay. 5 yeas, 2 nays. Motion carried.

Councilperson Wood asked Attorney White if the Building Commission denies the transfer of the Fostoria property to GAB, does the matter then go before council for their vote? Attorney White advised that both parties, the Moundsville Building Commission & Moundsville Council, have to approve the transfer.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion of Request for Abandonment of Alley Behind 10 Ford Street. Committee recommends directing the City Attorney to draft the ordinance.

Councilperson Simms made a motion to direct Attorney White to draft an abandonment ordinance for 10 Ford Street, seconded by Councilperson DeWitt. Motion carried unanimously.

2. Discussion of “No Loitering” Signs in the Parking Area at Riverfront Park. Committee recommends have signs placed at Riverfront parking area.

Councilperson Simms made a motion to install “No Loitering” signs at the parking lot of the Riverfront Park, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of Using Comp Time by Salary Employees. Committee recommends City Attorney draft ordinance for review at next policy meeting.

Councilperson Wood made a motion to direct Attorney White to draft ordinance concerning the use of comp time by salary employees, seconded by Councilperson Simms. Motion carried unanimously.

COUNCIL ITEMS:

* **Remke** - Invited everyone to the Marshall County Fall Festival of Thrills, Saturday, September 24, 2011 from 10:00 a.m. to 4:00 p.m.

* Announced speakers will be installed on Wednesday for music on Jefferson Avenue.

* Announced the Marshall County Commission donated funds to the Beautification Committee

for 4,000 Christmas lights for the Christmas Tree.

* **DeWitt** - Asked Manager Hendershot if he has spoken to MEDC concerning parking on the back side of the prison for events. Manager Hendershot said that he had informed MEDC.

* **Saunders** - Reported grass needs cut at the entrance to Highland Heights. Also, some holes need patched on Harmony Drive.

* Asked if the Recreation Director was able to purchase a new vehicle. Ms. Goddard advised that Mr. Baker is aware of the amount he can use.

* **Wood** - Announced the Neighborhood Community Crime Watch is on Monday, September 26, 2011, 6:00 p.m. at the Temple Baptist Church.

* Reminded everyone of the Zombie Walk on Jefferson Avenue, September 24, 2011 from 6:00 p.m. to 8:00 p.m.

* **Haynes** - Reported trees in the creek at the entrance to Cherokee Drive. Manager Hendershot said the phone company cut trees from their lines and left them in the creek.

* Reported a sign laying on the side of the road by the entrance to the cemetery on Jefferson Extension.

* Reported water eroding the bank and under the street at the entrance to Cherokee Drive.

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

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

Meeting adjourned at 8:14 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor