

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
NOVEMBER 6, 2007**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on November 6, 2007 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson Mark Simms.

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

MINUTES:

Regular Council Meeting of October 16, 2007.

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of October 16, 2007, seconded by Councilperson Simms. Motion carried unanimously.

GENERAL PUBLIC HEARING:

Mayor Wallace announced that Mr. Mike Smith of Comcast is not present at this time. General Public Hearing may precede until he arrives.

* Larry Vucelick, 27 Simpson Avenue reported that street light lines had been broken due to a fallen tree and have not been repaired.

* Dave White, 406 Clinton Avenue asked if work has resumed at Fostoria and what type of business will be replacing the Gordon's building.

Manager Hendershot advised that the Fostoria contract with Mr. Games is due to expire. There has also been some negotiations with DEP concerning some contamination before demolition is continued. The Gordon's building was purchased by a private company who is razing the building and rebuilding for a funeral home, which is a permitted use in that zone.

* Danny Jacobs, 203 Simmons Drive, announced that he was present to ask questions to Mr. Smith of Comcast.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson Lemasters asked if the arson investigation was finished for 1514 Fourth Street. Fire Chief Clarke advised that Mr. West said he was going to address the weed problem. The investigation was over and the owner should be taking care of the problem.

NEW BUSINESS:

Discussion and Approval of Requisition #24 & Retainage Adjustment for the Moundsville Water Treatment Plant.

It was discovered at the Water Board meeting that RUS reviewed the contract and does not believe the retainage can be reduced until the plant is actually on line. It was thought that the retainage was going to be reduced from 5% of the total project to 2½%.

Councilperson Simms made a motion to approve requisition #24, seconded by Councilperson Haynes. Motion carried unanimously.

Appointment to the Moundsville Parks & Recreation Board. (Council's Appointment)

Two inquiries were received for the expiring term of Cole Simms. Mr. Simms requested to be re-appointed and Ruth Anderson. Councilperson Lemasters made a motion to re-appoint Cole Simms to the Moundsville Parks & Recreation Board, seconded by Councilperson Wood. Mayor Wallace called for a roll call vote. City Clerk announced the following tally 5 yeas, 1 abstain. Simms abstaining. Motion carried.

MANAGER ITEMS:

Discussion of House Decorating Contest.

The House Decorating Contest will be advertised in mid November. Residents interested in entering the house must register at the City Clerk's Office. Awards will be announced at the December 18th Council Meeting.

Councilperson Simms made a motion to proceed with the House Decorating Contest, seconded by Councilperson Wood. Motion carried unanimously.

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

A vacancy exists on the Moundsville Housing Authority due to the resignation of Janet Goode.

Three letters of intent were received from Robert McElfresh, Jack Phillips and Gary Goode. Manager Hendershot advised that he was appointing Jack Phillips to the vacancy.

Ribbon Cuttings for local business and restaurant.

Something Fishy will hold their official ribbon cutting on Wednesday, November 7, 2007 at 1:30 p.m. and Dunham Sports at the South Shopping Plaza will hold their ribbon cutting on Friday, November 9, 2007 at 9:30 a.m.

Christmas Bonus for Employees.

Manager Hendershot announced that Christmas Bonus for employees have already been placed in the budget for 2007 in the amount of \$250 for full time and \$50 for part time.

Councilperson Haynes made a motion to approve Christmas Bonus for employees, seconded by Councilperson Wood. Motion carried unanimously.

Discussion of Christmas Eve and New Year's Eve.

Manager Hendershot announced that State Employees receive ½ day on Christmas Eve and New Year's Eve when they fall on a week day. Manager Hendershot has proposed the same for City Employees.

Councilperson Simms made a motion to give City Employees the full day off for Christmas Eve and New Year's Eve, seconded by Councilperson Haynes. Motion carried unanimously.

Remind Council of Paving Priority List.

Manager Hendershot asked that council bring their priority list to the Traffic Meeting.

MS4 Permit.

The city has previously joined an MS4 (Storm Water Management) Coalition with Steptoe & Johnson who assisted municipalities in the permit process through DEP. It is time for the permit to be renewed. Manager Hendershot asked that council refer this matter to Finance Committee.

Return to Work Program.

The City of Moundsville Return to Work Program has some minor language changes that need to be addressed. Manager Hendershot will submit a draft to the Policy Committee for review.

Thank You Letter from Simpson United Methodist Church.

A letter was sent to the City of Moundsville Police Department thanking Officer Farris for assisting to obtain keys from a previous employee.

Councilperson Simms made a motion to receive and file the letter of thanks, seconded by Vice Mayor Lemasters. Motion carried unanimously.

Community Traffic Safety Award.

The Moundsville Police Department received a Community Traffic Safety Commendation Award as one of America's Outstanding Leaders Safeguarding the public through safety and education.

Councilperson Simms made a motion to accept the award, seconded by Councilperson Haynes. Motion carried unanimously.

Marshall County School Bond Election.

Manager Hendershot announced the Marshall County School Bond Election will be on December 14, 2007, which will be a holiday for county and city employees.

Certificates of Publication by Attorney White.

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

1. Zoning Ordinance for 313 Morton Avenue
2. Zoning Ordinance for 42 Oak Avenue

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

MAYOR ITEMS:

Mayor Wallace noticed new faces in the audience, hopes they continue to attend council meetings.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Vice Mayor Lemasters scheduled a Finance Meeting on Wednesday, November 14, 2007 to be held after the Traffic Meeting.

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson Simms scheduled a Traffic Meeting on Wednesday, November 14, 2007 at 6:00 p.m.

Discussion and Approval of Recommendations by the Policy Committee.

Councilperson Wood scheduled a Policy Meeting following the Finance Meeting.

COUNCIL ITEMS:

* **Haynes** - Nothing at this time.

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

* **Wood** - Asked for an update on Seventh Street project. Manager Hendershot advised that core drilling has already been conducted. At the next Sanitary Board meeting engineers will be selected and negotiated through a 5-G process.

* Asked for an update on the Basketball Courts at East End. Manager Hendershot advised that he obtained the name of the company that sells the “membrane” to Morgantown. Street Commissioner Richmond will provide Manager Hendershot with square footage of courts.

* Commended the Street Department on their tree trimming on Jefferson Avenue.

* Reported house across from Smith Mart on First Street is in disrepair. Manager Hendershot reported that the Building Inspector knows who the owner is but has not been able to contact her.

* Asked when council will be working on the budget for 2008-2009. Manager Hendershot advised possibly in December.

* **Cunningham** - Asked if Manager Hendershot received any letters from the sidewalks. Manager Hendershot replied that letters have been sent with 30 days to respond.

* Reported the alley at Ash & Cedar needs repaired.

* Trees need trimmed at 7th & 8th Street.

Mayor Wallace allowed Mr. Mike Smith of Comcast to speak with council and citizens.

* **Lemasters** - Asked that the yellow line on Mulberry Avenue between Second Street & Meighen Avenue be extended.

* Asked if the Police Department had any leads on the person who ran through the fence at East End ballfield on 4th Street. Chief Kudlak advised that officers have some leads and are still following up.

* Reported house needs repaired at 307 Poplar Avenue.

Vice Mayor Lemasters made a motion to hold an Executive Session for personnel matters and pending litigation, seconded by Councilperson Simms. Motion carried unanimously.

Meeting recessed at 8:17 p.m.

Meeting reconvened at 9:03 p.m.

Executive Session began at 9:03 p.m.

Executive Session recessed at 9:04 p.m.

Regular Council meeting reconvened at 9:04 p.m.

Councilperson Cunningham made a motion to adjourn, seconded by Vice Mayor Lemasters. Motion carried unanimously.

Meeting adjourned at 9:04 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor