

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

The Council of the City of Moundsville met in regular session in the Council Chambers on October 20, 2011 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: DeWitt, Haynes, Remke, Saunders, Simms, Wood and Mayor Wallace. Also present: City Manager Hendershot, Police Chief Mitchell, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Schneider, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of October 3, 2011.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of October 3, 2011, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Patrick Kirby, Director of Northern WV Brownfields Assistance Center, expressed his support for the transfer of the Fostoria property to GAB Enterprises.

* Tom Brown, RAZE International, answered some questions that council members asked concerning businesses and investors.

Councilperson Saunders asked Mayor Wallace if council could hear from Moundsville Building Commission member Dave Rickman. Mayor Wallace granted Mr. Rickman time to speak. Mr. Rickman said that it is his opinion that the Fostoria deed should be transferred to GAB Enterprises.

Councilperson Simms made a motion to transfer the Fostoria deed to GAB Enterprises with an addition of the City of Moundsville reserves the mineral rights, seconded by Councilperson Wood.

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

* Robert Mobley, 15 Cherokee Drive, appeared before council concerning the abandonment behind 10 Ford Street. Mr. Mobley was advised when an abandonment is approved the properties abutting the area in question are divided equally with property owners. So, Mr. Mobley will receive half of the abandoned alley as will the petitioners.

OLD BUSINESS:

Discussion and Approval of an Ordinance Concerning Payment for Attendance at Water Board Meetings. (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 SECTION 145.05 OF THE CITY CODE TO REMOVE THE MONTHLY CAP ON PAYMENTS FOR MEMBERS ATTENDING MEETING (SECOND READING)

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

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

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

Attorney White read the following abandonment ordinance by title only to be passed by council on second and final reading:

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

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

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

Other Items to be Discussed by Council.

* Councilperson Saunders reported several times the OH plated vehicles behind 329½ Thorn Avenue, when is something going to be done? Also, OH plated vehicle behind 1800 Penn Street and a VA plated van at Curtis Avenue & Jackson Street. Chief Mitchell advised that he will have the information at the next meeting.

* Councilperson Saunders also discussed the fence that was constructed illegally at 329½ Thorn Avenue and when Mr. Farmer was going to be made to remove the fence.

* Councilperson Remke suggested selling the scales since they are not being used. Councilperson Simms noted that Manager Hendershot recommended to council not to sell the scale and see what kind of traffic the city will have after completion on Jefferson Avenue and Parriott Avenue.

* Councilperson Remke asked where the traffic is going since those streets are closed. Manager Hendershot reported trucks are traveling the detours, north bound goes to Grant Avenue, south bound goes to Tomlinson Avenue and First Street to Jefferson Avenue Extension.

* Councilperson Wood asked who was taking responsibility for the water break on October 13 at Third Street & Jefferson Avenue? Manager Hendershot advised that the contractor has agreed to take care of the insurance claims and reimburse the Water Board for the pipe and materials they used to repair the break.

* Councilperson Wood requested police escorts for the pool employees when they close the pool and bring the money to the Police Department. Chief Mitchell said the employee will have to call the police department when they are ready to leave.

* Councilperson Simms asked if the light pole behind Allen's Bootery was going to be replaced. Manager Hendershot reported he is hoping to remove the fence beside Allen's Bootery, because the Street Department already maintains the grass, and install a wooden light pole.

NEW BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Leaves and Absences in the Employee Policy. (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 MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING A PORTION OF ARTICLE 155 OF THE

CODE, RELATING TO POLICY PROVISIONS FOR EMPLOYEES BY AMENDING AND REENACTING SECTION 155.07, SUBSECTION “a” TO PROHIBIT

EMPLOYEES FROM LEAVING WORK TO PERFORM OTHER EMPLOYMENT. (FIRST READING)

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

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

Discussion and Approval to Transfer the Fostoria Property to GAB Enterprises.

This matter was discussed and voted upon in General Public Hearing.

Discussion of Bids for the City Building Roof.

Manager Hendershot advised that bids received for the City Building roof were advertised as a roof overlay. Two bids were received from the following:

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| 1. Kalkreuth Roofing | \$20,175.00 (add \$405.00 for payment & performance bond) |
| 2. N.F. Mansuetto & Sons | \$26,860.00 |

Councilperson Wood made a motion to award the bid to Kalkreuth Roofing in the amount of \$20,580.00, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of a Resolution to Enter Into a Loan Agreement for a 2003 Chevrolet S-10 Truck for the Parks & Recreation Department.

Councilperson Saunders made a motion to authorize the City Manager to enter into a loan agreement for a 2003 Chevrolet S-10 truck, seconded by Councilperson Simms. Motion carried unanimously.

Discussion and Approval of a Resolution to Enter Into a Loan Agreement for a 2012 Dodge Charger Police Cruiser.

Councilperson Haynes made a motion to authorize the City Manager to enter into a loan agreement for a 2012 Dodge Charger, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion and Approval of a Memorandum of Understanding Relating to the Review of the Moundsville Comprehensive Plan.

Councilperson Remke made a motion to approve a Memorandum of Understanding relating to the review of the Moundsville Comprehensive Plan, seconded by Councilperson Wood. Motion carried unanimously.

Discussion and Approval of a Resolution Declaring the Month of October Anti Bullying Month.

Councilperson Saunders made a motion to approve the resolution declaring the month of October Anti Bullying Month, seconded by Councilperson Haynes. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Remke requested the Street Department clean the sidewalks after the construction and paving on Jefferson Avenue is completed because on December 2 tour buses will be in Moundsville. Street Commissioner Richmond advised they have all the materials and will receive assistance from the Fire Department to spray the sidewalks.

* Councilperson Remke asked if the merchants can purchase the trees that have never been replaced from an accident at Third Street & Jefferson Avenue. Manager Hendershot advised this purchase can be discussed at the Finance Committee meeting.

* Councilperson Remke asked for Jefferson Avenue to be closed from Second Street to Fifth Street to display a train on December 10.

* Councilperson Remke requested the City's Sign Ordinance be discussed again at the Policy Committee meeting.

* Councilperson Saunders reported the sanitary drain is possibly clogged at Third Street & Cedar Avenue. Street Commissioner Richmond advised that Sanitary employees have cleaned all the leaves from the basin.

* Councilperson Wood asked where the city stands with hiring another building inspector and police officer? City Manager Hendershot advised the Civil Service Commission has already started the process of testing for potential officers. Since Darren Whipkey has retired eligible officers will move to Corporal and Sergeant positions. The Building Inspector position will be advertised in house to see if employees from other departments interested. If employees are not interested, previous applicant's will be looked at, then the position will be advertised in local newspapers.

* Councilperson Saunders asked what the process would be to sell old Recreation Department vehicles that are being stored behind the old prison. Manager Hendershot advised a list of

vehicles need to be advertised for bid.

* Councilperson DeWitt reported the resident at 1419 9th Street had some water problems in July where a portion of the street by the curb had to be dug up. As of this date, the area has never been patched. Manager Hendershot will pass the information onto the Water Department.

Legal Advertisements.

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

1. Ordinance Pertaining to Payment for Meeting Attendance
2. Ordinance for Proposed Alley Abandonment
3. Civil Action Suit for William Stanley

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

MANAGER ITEMS:

Comprehensive Plan Review List.

Manager Hendershot provide council with a list of 14 names interested in reviewing Moundsville's Comprehensive Plan. Once council approves a general list, the names will be forwarded to WVU. A meeting will be scheduled for early December.

Councilperson Simms made a motion to approve the 14 names provided to council, seconded by Councilperson Remke.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Haynes, DeWitt, Mayor Wallace, Wood and Simms voting yea. Saunders voting nay. 6 yeas, 1 nay. Motion carried.

Jefferson Avenue Project Update.

Manager Hendershot reported the contractors have completed that portion of the separation project. Several yards of concrete have been poured in the ground early Tuesday. Klug's are getting ready for the final paving. There is some concern if the paving will completed due to weather changing.

Update on City Paving Projects.

Street Commissioner Richmond advised that Fifth Street and Center Street are both finished. The other streets on the list will be paved in the spring of 2012.

MAYOR ITEMS:

* Concerning the Fostoria Property, Mayor Wallace said that council's decision to transfer the Fostoria deed was a smart decision. He feels it was council's thought after having the area cleaned up, create jobs and create a tax base. He feels GAB Enterprises will do the right thing with the property.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of Renewal of Cable Franchise Agreement. Committee recommends to direct the City Attorney draft the ordinance with changes.

Councilperson Wood made a motion to direct the City Attorney draft the Cable Franchise Ordinance with changes, seconded by Mayor Wallace. Motion carried unanimously.

2. Discussion & Approval of Contract with DNR for the Thirteenth Street Boat Landing. Committee recommends to direct the City Attorney to draft the resolution.

Councilperson Wood made a motion to approve the contract with DNR, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion and Approval of Recommendations by the Finance Committee.

1. Discussion of Right of Way Option Agreement for the Old Landfill. Committee recommends to authorize the City Manager to enter into a contractual agreement with Dominion Transmission to construct a pipeline on above property.

Councilperson Saunders moved to authorize the City Manager to enter into a contractual agreement with Dominion Transmission to construct a pipeline on the property, seconded by Councilperson Simms.

Councilperson Remke asked to discuss the funds from this agreement at the Finance Committee meeting.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion of Tour Buses Parking on Jefferson Avenue in December. Committee recommends authorizing the Tourism Committee to bag meters as needed.

Councilperson Simms made a motion to authorize the tourism committee to bag meters as needed, seconded by Mayor Wallace. Motion carried unanimously.

COUNCIL ITEMS:

* **DeWitt** - Commended the property owners on Jefferson Avenue Extension who have repaired and sided their houses. They look great.

* Reported the corn stocks on Jefferson Avenue are falling down or being pulled down and asked Councilperson Remke if they can be fixed back up.

Councilperson Remke replied when the fence on Jefferson Avenue is taken down, the corn stocks will be removed and cleaned up.

* Asked if the parking lot behind the prison been cleaned up? Street Commissioner Richmond advised they have been cleaned up and lines have been painted.

* **Remke** - Nothing at this time.

* **Saunders** - Wished to thank Street Commissioner Richmond and Fire Chief Clarke for their assistance during an incident that happened to him.

* **Wood** - Thanked Mayor Wallace for the time to discuss in open council meeting their concerns of transferring the Fostoria deed.

* Asked if the State of WV gave the Moundsville Water Board the increase they requested? Manager Hendershot stated they did not.

* **Haynes** - Asked if the person at 74 Oak Avenue called him. Manager Hendershot advised he spoke to the Storm Water Commissioner have already been looking at the problem. She is concerned about when the rain water washes debris down the road clogging the inlets.

* **Simms** - Gave City Manager Hendershot a few minutes of his time.

Manager Hendershot asked CPA Kathryn Goddard if she has moved forward with the Request for Proposal (RFP) for the city's 2 year audit. Ms. Goddard advised that she has the proposal close to completion and wants Attorney White to review it.

* Wished to thank Building Inspector Schneider his reports he provides council.

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

Meeting adjourned at 8:59 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor

