

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MAY 15, 2007**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on May 15, 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, Attorney Thomas White, CPA Finance Director Thomas Dobbs and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of May 1, 2007.

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of May 1, 2007, seconded by Councilperson Lemasters. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Virginia Magers, 1312 Third Street, unhappy about the way the property at 215 Ash Avenue was being cleaned out. She also stated that Mr. Jim Riggs from the Marshall County Health Department was present at the house and stated "you could not know how bad it was."

* Debra Magers, 1312 Third Street, not pleased with the procedure the city is using to clean up the property. Also asked about the engineer who is going to look at the property.

* Brenda Purdy, 1404 Third Street, did thank council for what they have done so far with the property. However, was upset the city did not follow through to see that the clean up was done right.

Mayor Wallace stated the city is trying to do the best job they can to the property for the citizens by using a professional company to clean the building.

Councilperson said that he spoke with an individual who was interested in purchasing the property and will gut the whole building and install new electric.

Councilperson Lemasters asked where the city stands with the engineers. Manager Hendershot contacted the engineers, but have not been able to set a date. Also stated that spraying will be done again when the building is cleaned out.

* James Stultz, 1216 Sixth Street and David Dalzell Jr., 1203 Sixth Street, approached council and expressed their appreciation for the support on the issue of the proposed funeral home at 5th Street & Grant Avenue. Asked that council take proper procedures to change the ordinance pertaining to special exceptions, which allows a funeral home in residential areas.

Councilperson Lemasters made a motion to ask the Planning Commission recommend certain changes in the zoning code 1355.03-1355.06 to council, seconded by Councilperson Simms. Motion carried unanimously.

* David White, 406 Clinton Avenue, asked about the Chief of Police's work days. Reported vacant house at 7th Street & Myrtle Avenue. And asked for an update of properties at 414 Juniper and Clinton Avenue.

* Mr. Kachalo, 31 Fostoria Avenue, reported still having problems with the neighbor parking his vehicle against the back of his porch while running & fumes going into his house. Also complained of the footage of his property surveyed wrong.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Canvassers and Solicitors in the City of Moundsville. (Second Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING A PART OF SECTION 717.02 OF THE CODE OF THE CITY OF MOUNDSVILLE, PROVIDING AN INCREASE IN THE FEE FOR SOLICITORS AND CANVASSERS LICENSES IN ORDER TO FUND INVESTIGATIONS NECESSARY TO ISSUANCE OF SAID LICENSES. (SECOND READING)

Councilperson Lemasters made a motion to accept and approve the canvassers ordinance, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Lemasters asked if Chief Kudlak had a report for council with Police Fine amounts he requested. Manager Hendershot reported that Chief Kudlak is still collecting the information.

* Councilperson Cunningham asked if council members were going to discuss his idea of charging customers for a maximum of six bags of garbage. Mayor Wallace said the idea was not discussed any further but if a customer has a very large amount of garbage, furniture and such, the city does charge them extra for the pick up.

Street Commissioner Richmond noted that the Sanitation Worker will knock on the door or call the office and the office will then call the customer in question to advise them they will be charged for the extra pick up.

Further discussion was held on garbage collection. Mayor Wallace informed that Councilperson Haynes, Cunningham and himself were on the Refuse Committee if they wish to meet.

Councilperson Lemasters made a motion to refer this matter to the Refuse Committee, seconded by Councilperson Haynes. Motion carried unanimously.

NEW BUSINESS:

Discussion and Approval of a Resolution Approving Financing Terms on the Purchase of a 2007 Ford Crown Victoria Police Cruiser.

Councilperson Simms made a motion to approve the resolution for financing for the purchase of a 2007 Ford Crown Victoria Police Cruiser, seconded by Councilperson Wood. Motion carried unanimously.

Discussion and Approval of Requisition #18 for the Moundsville Water Treatment Plant Project.

Councilperson Simms made a motion to approve Requisition #18 for the Moundsville Water Treatment Plant Project, seconded by Councilperson Haynes. Motion carried unanimously.

MANAGER ITEMS:

Jefferson Avenue Sidewalk Project.

Manager Hendershot announced the sidewalk project on Jefferson Avenue has been completed and engineers have conducted an inspection.

Update on NIMS Training.

Chief Clarke reported that NIMS training is a federal requirement if the city wants any funding from the Federal Government. Any representative that may be involved with any kind of emergency situation has to receive basic training in the National Incident Management Systems. There is a chance if the Police Department, Fire Department and City Officials (Council) are not

trained, they will receive the federal funding the city applied for. Council will decide when they will be available to take the training and notify the City Manager.

Properties Demolished by the City.

A list was provided to council members of properties demolished by the city. Those properties have pending liens. Attorney White explained the process of collecting the lien would be to foreclose on the property & auction it on the Court House steps.

Letter to Marshall County Board of Education.

Council received copies of a letter to the Marshall County Board of Education regarding the cost and process of the annexation of McNinch Elementary School.

Ribbon Cutting Invitation to Elizabethtown Festival.

A Ribbon Cutting for Elizabethtown Festival will be held on Saturday, May 19, 2007 at 10:45 a.m.

Business After Hours.

The Marshall County Chamber of Commerce Business After Hours will be sponsored by Reynolds Memorial Hospital on Thursday, May 24, 2007, 5:00-7:00 p.m. at the Betty Beebe Habig Room basement level.

West Virginia Municipal League Summer Conference.

The West Virginia Municipal League Summer Conference will be held on August 9 -11, 2007 in Charleston.

Moundsville Buildings Structural Survey.

Council received copies of the Building Structural Survey provided by McKinley Associates and Suhrie Engineering LLC on the City Building/Fire Department, City Garage and Former State Police Barracks.

MAYOR ITEMS:

* Mayor Wallace asked if there were any permits obtained by Buffalo Wild Wings. Building Inspector Wise advised there were not.

* Update of West Texas Roadhouse. Owner of Roadhouse is waiting on owner of property.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Discussion and Approval of Employee Health Insurance. Councilperson Lemasters made a motion to approve employee Health Insurance with Health Plan, seconded by Councilperson Simms for discussion. Mayor Wallace called for all council in favor. Motion carried unanimously.
2. Discussion of Hotel/Motel Tax. Councilperson Lemasters made a motion to direct the City Attorney to draft an ordinance increasing the Hotel/Motel Tax from 3% to 6%, seconded by Councilperson Simms. Motion carried unanimously.

COUNCIL ITEMS:

- * **Wood** - Noticed the base coat on Ohio Street. Paving is coming along.
- * Happy to see Jefferson Avenue Extension open.
- * Asked Councilperson Lemasters if the Parks & Recreation Board would supply council with copies of the dress code policy.
- * **Simms** - Asked Street Commissioner Richmond what kind of mower he would prefer to mow the median.
- * Since he has been on council, fees have not been raised for 14 years and praised council for that.
- * **Cunningham** - Nothing at this time.
- * **Haynes** - Nothing at this time.
- * **Lemasters** - Reported the yard needs cleaned up at 1010 Sixth Street, fallen tree is still in yard.
- * Announced the private donator of \$10,000 for the Riverfront Park has given the money to another entity.
- * Requested that council send a letter congratulating Harry "Moo" Moore for being inducted into the WVU Sports Hall of Fame.

Councilperson Lemasters made a motion for an Executive Session for personnel matters, seconded by Councilperson Wood after a 5 minute recess. Motion carried unanimously.

Meeting recess at 8:25 p.m.

Executive Session started at 8:34 p.m.

Executive Session recessed at 9:02 p.m.

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

Meeting adjourned at 9:02 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor