

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
JANUARY 15, 2008**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on January 15, 2008 at 7:00 p.m.

Meeting was called to order by Mayor Wayne Lemasters.

Invocation by City Manager Hendershot.

Acting City Clerk Karen L. Ankrom called the roll and the following councilpersons were in attendance: Cunningham, Haynes, Simms, Wallace, Wood, and Lemasters. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Vickers, CPA Kathryn Goddard, Attorney Thomas White. Absent was Councilperson DiRemigio and City Clerk Sondra J. Hewitt.

**MINUTES:**

**Regular Council Meeting of January 2, 2008.**

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of January 2, 2008, seconded by Councilperson Haynes. Councilperson Wallace noted that the minutes should be amended to reflect that Councilperson DiRemigio was absent from the January 2 Council meeting. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\*Doreen Judge of 111 Cedar Avenue Rear, is the property owner of 1413 Center Street and she explained that she will begin repairs on the Center Street property, that was damaged by fire, as soon as the weather is better.

\*David White of 406 Clinton Avenue would like a portion of riverfront property investigated due to excessive amounts of mowing equipment. City Manager Hendershot will check to make sure that code regulations are being followed as he believes that a repair business operates on that property. Mr. White wanted to make sure that Council members are reminded that they are not to be giving orders to City employees; Mayor Lemasters suggested that Mr. White meet with the City Manager. Mr. White also noted that the Third Ward is looking messy; Mayor Lemasters will follow up.

\*George Kachalo of 31 Fostoria Avenue again presented complaints about his neighbors.

**OLD BUSINESS:**

**Discussion and Approval of a Zone Change Ordinance for the Property at 517 & 519 Eighth**

**Street and 514 & 516 Ninth Street from RM to CCCH Zone. (Second and Final 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, PROVIDING FOR A ZONING CHANGE OF CERTAIN DESIGNATED AREA AT 517 & 519 NINTH STREET AND 514 & 516 NINTH STREET IN THE CITY OF MOUNDSVILLE FROM A MULTI-FAMILY RESIDENTIAL DISTRICT TO A COMBINED CENTRAL BUSINESS DISTRICT AND HIGHWAY COMMERCIAL DISTRICT. (SECOND AND FINAL READING)**

Councilperson Simms made a motion to approve the zone change ordinance on second reading, seconded by Councilperson Haynes.

Councilperson Simms noted that he has received many calls regarding this issue. Councilperson Wood questioned whether Council would be able to take further action once the ordinance is passed; Manager Hendershot explained that, as long as zone and permit compliance is met, Council can take no further action.

Mayor Lemasters called for a roll call vote. Acting City Clerk announced the following tally: 5 yeas, 1 nay. Lemasters voting nay. Motion carried.

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

Nothing further was discussed.

**NEW BUSINESS:**

**Appointment to the Zoning Appeals Board**

City Manager Hendershot stated that H Carl Boso wished to be re-appointed for a three year term. Councilperson Wallace made the motion to appoint Mr. Boso, seconded by Councilperson Wood. Motion carried unanimously.

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

\* Councilperson Simms stated that he would like a letter sent to the operators of the Acapulco Mexican Restaurant assuring them that the City would like to maintain their business and offering assistance in relocating. He also noted that only one vacancy exists out of all three shopping plazas in the City limits.

**MANAGER ITEMS:**

## **Appointments to the Historic Landmarks Commission**

\* Manager Hendershot explained that the Historic Landmarks Commission terms of Hilda Blake and Deanna McDowell will expire, and he plans to re-appoint them.

\* Manager Hendershot reviewed some of the issues addressed at the recent WV Municipal League conference: Digest funding requests, an interim bill authorizing cities to file liens for unpaid fees, Fire and Police Pension funding issues, PEIA payments required by non-participants, telecommunication taxing issues, the July 1, 2008 implementation of 1% local sales tax, the September 2008 "Municipal Offset" which would allow cities to attach the State Income Tax refund for unpaid court costs and fines.

\*Manager Hendershot read a letter excerpt from the Department of Environmental Protection stating that no deficiencies were found at a recent inspection of the Sanitary Plant and the staff was commended for their "commitment to the proper operation and maintenance. ." Manager Hendershot pointed out that this is in light of the recent problems with the primary digester.

\*Manager Hendershot received a thank you letter from the John Marshall Boys Basketball Boosters.

\*Manager Hendershot notified Council of the Ribbon Cutting at Sleep Fitters on January 18 at 1:00 PM.

\*Attorney White presented a legal ad pertaining to the zoning ordinance. Councilperson Simms made the motion to receive and file the ad, seconded by Councilperson Haynes. Motion carried unanimously.

## **MAYOR ITEMS:**

\*Mayor Lemasters asked Street Commissioner Richmond to check the alley at 314 Olive Avenue.

\*Mayor Lemasters noted that the traffic light at Fourth Street and Cedar Avenue is still not working.

\*Mayor Lemasters stated that the next WV Municipal League Conference will be held in Morgantown August 13-15, 2008.

## **COMMITTEE REPORTS:**

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

Councilperson Wallace stated that the monthly financial statements were not completed for the January 8 meeting. CPA Goddard noted that nothing appeared out of order.

The Budget Message must be presented to City Council by the end of February; therefore, Budget Workshops will be held at 6:00 PM on January 22 with the City Department Heads and on January 23 with City employees.

McKinley and Associates presented the feasibility study done on the former State Police Building, City Building, and City Garage. The City Manager intends to pursue funding for these projects, as the total cost is slightly over \$2 million.

Discussion was held on moving the Finance Meetings to the fourth Tuesday of each month, except February when budget work has to be completed. Due to timing issues, CPA Goddard requested more time be allowed to prepare adequate financial statements each month. Further discussion will be held.

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

Councilperson Simms noted that there was nothing on the agenda for the regular meeting, but he has since received a Handicap request from Mr. Drake at 114 Ash Avenue. Mayor Lemasters made the motion to refer this request to Police Chief Kudlak for further investigation, seconded by Councilperson Simms. Motion carried unanimously.

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

Councilperson Wood stated that no action was taken on the “Tethering Law,” but information is being gathered. Manager Hendershot explained that he met with the Mayor of Charleston regarding this issue and has information to present at the next Policy Committee meeting.

#### **COUNCIL ITEMS:**

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

\* **Simms** - Requested that a letter or plaque be presented to Stanley Blankenship congratulating him on his 500<sup>th</sup> victory; and to Neubauer’s Flowers and White and Sons Monuments for their years of business. Councilperson Wallace suggested presenting the same award for all three entities. Councilperson Simms made the motion to present plaques, seconded by Councilperson Haynes. Motion carried unanimously.

\* **Cunningham** - Requested that 1016 Tomlinson Avenue be investigated for excessive vehicles and noise.

\* **Wood** - Inquired about the City finances; CPA Goddard stated that she has not finalized the reports, but everything appears to be on track.

\* Asked about the status of the State Audit. Manager Hendershot stated that the Auditors will probably be moving to the Water office in about a week.

\*Questioned progress on Seventh Street. Manager Hendershot stated that the Sanitary Board is seeking funding for the five ongoing projects, and the Seventh Street repair is a definite priority.

\*Noted the continuing dilapidated housing issues, including Jefferson Avenue, First Street across from Smith Mart, and the abandoned house in the alley between Second and Center Streets. Manager Hendershot and Inspector Vickers affirmed that the Building Enforcement Agency is addressing these issues and should have a report ready for the next Council meeting.

\* **Wallace** - Questioned whether the Local Sales Tax would affect residents rather than businesses. Manager Hendershot explained that this tax implementation would likely affect residents more directly than that currently implemented Business and Occupation Tax.

\* Noted that BW3 has broken ground. Inspector Vickers confirmed that compaction testing is being done and permits have been issued.

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

Meeting adjourned at 7:41 p.m.

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Karen L. Ankrom, Acting City Clerk

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Wayne Lemasters, Mayor