

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
APRIL 19, 2011**

The Council of the City of Moundsville met in regular session in the Council Chambers on April 19, 2011 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Mayor Dennis Wallace.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, Haynes, Saunders, Wood and Mayor Wallace. Absent: Remke and Simms. Also present: Acting City Manager Deanna J Hess, Police Sgt. Whipkey, Fire Chief Clarke, Street Laborer Wallace, Building Inspector Mercer, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: City Manager Hendershot, Police Chief Kudlak and Street Commissioner Richmond.

MINUTES:

Regular Council Meeting of April 5, 2011.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of April 5, 2011, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Tom Brown, RAZE International & GAB, reported receiving results from the licensed Remediation Specialist which will allow RAZE to proceed with clean up using all the debris as fill for the area. Once the debris is leveled the area has to be covered with dirt. The Remediation Specialist will again take sample to assure there is not contamination. Mr. Brown reported some interest in the property but is not at liberty to say who at this point.

* Suzanne Park, MEDC, updated council on the events for this year including the Mock Prison Riot, May 2-4, 2011 from 8:00 a.m. to 5:00 p.m. Also, the Zombie Walk, Saturday September 24, 2011 will start on Second Street south on Jefferson Avenue to the front of the prison where the zombies will dance to "Thriller" to kick off the Dungeon of Horrors that starts the end of September.

GENERAL PUBLIC HEARING:

* Ronnie Cochran was present to ask council to grant his zone change request at 218 Baker Avenue for a body shop.

* Richard Rickrode, 120 Morton Avenue, reported 32 sidewalks in Moundsville need repaired

and reported trash on the front & back porch at house on Morton Avenue & Second Street.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Sanitation Rate Increase. (Second Reading)

Attorney White read the following sanitation 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 SECTION 953.09 AND 953.10 OF THE CITY CODE TO PROVIDE FOR INCREASED FEES FOR GARBAGE COLLECTION. (SECOND READING)

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

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

Other Items to be Discussed by Council.

* Councilperson DeWitt reported speaking with DOH who will reconsider the request of a turn light at 12th & Lafayette Avenue.

* Councilperson Saunders reported several times 1800 Penn Street where the resident has bags of garbage in the back of his truck and the OH plate truck has expired plates. Also reported 327 Sycamore Avenue. Mr. Saunders asked why nothing is being done with these houses? Acting City Manager Hess will look into the requests.

NEW BUSINESS:

Discussion and Approval of a Resolution to Renew Employee Health Plan Insurance.

Councilperson Wood made a motion to renew the employee health plan insurance, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of an Ordinance Pertaining to Registration of Rental Houses and Buildings in the City of Moundsville. (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 OF MOUNDSVILLE, WEST VIRGINIA, ENACTING ARTICLE 1109 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF AN ORDINANCE PROVIDING FOR REGISTRATION OF RENTAL HOUSING BUILDINGS, FEES, AND PROVISIONS FOR OCCUPANCY PERMITS EACH TIME A NEW TENANT IS TO OCCUPY RENTAL PROPERTY, AND PENALTIES FOR VIOLATIONS. (FIRST READING)

Councilperson Wood made a motion to accept and approve the ordinance concerning tenant occupying rental property, seconded by Mayor Wallace for discussion.

After some discussion, Mayor Wallace called for a voice vote. City Clerk announced the following tally. Saunders, Wood and DeWitt voting nay. Mayor Wallace and Haynes voting yea. Motion failed.

Discussion and Approval of an Ordinance Pertaining to the Adoption of State, National and International Building Codes. (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 OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 1731.01 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF THE STATE BUILDING CODE AND VARIOUS NATIONAL AND INTERNATIONAL CODES. (FIRST READING)

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

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

Discussion and Approval of an Ordinance Concerning Regulations, Removal and Prevention of Graffiti. (First Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, ENACTING ARTICLE 1111 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF AN ORDINANCE PROVIDING FOR THE REGULATION, REMOVAL AND PREVENTION OF GRAFFITI, AND PROVIDING PENALTIES FOR VIOLATION. (FIRST READING)

Councilperson Saunders made 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. Mayor Wallace, DeWitt, Haynes, Saunders and Wood. Motion carried unanimously.

Discussion and Approval of a Zone Change Recommendation from the Moundsville Planning Commission Proposed by Ronald H. Cochran for 218 Baker Avenue.

Councilperson Saunders made a motion to direct Attorney White to draft a zone change ordinance for 218 Baker Avenue to change from an R-G to a C-C with permitted use for an auto body shop, seconded by Councilperson Wood. Motion carried unanimously.

Discussion and Approval to Lay the Levy for the 2011-2012 General Fund Budget.

Councilperson Wood made a motion to lay the levy for the 2011-2012 General Fund Budget, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing Transferring the Police Department to the Knights of Pythias Building.

Councilperson DeWitt made a motion to approve the resolution authorizing the transfer of the Police Department to the Knights of Pythias Building, seconded by Councilperson Saunders. Motion carried unanimously.

Request from the Moundsville Rifle & Pistol Club to Hold a Gun Blast at the Indoor Range on August 20, 2011.

Tony Ankrom spoke to council on behalf of the Moundsville Rifle & Pistol Club informing council of the event they would like to sponsor and hoping to increase their membership.

Councilperson Saunders made a motion to approve of the Moundsville Rifle & Pistol of holding their gun blast at the indoor range on August 20, 2011, seconded by Councilperson Haynes. Motion carried unanimously.

Other Items to be Discussed by Council.

Mayor Wallace announced since he allowed Mr. Ankrom to speak outside of the General Public Hearing, he will allow Richard King.

Richard King, 305 Jefferson Avenue, commented that the city needs an ordinance to register rental houses and buildings, but he had some concerns on the inspections. Also, provided council with information on training for the building inspectors.

MANAGER ITEMS:

Protest for Handicapped Parking Space at 2024 Meighen Avenue.

Acting City Manager Hess informed council that Councilperson Remke presented her with a protest for a handicapped request that Chief Kudlak investigated and denied. Attorney White commented that Councilperson Remke can not protest the decision. A protest has to be submitted by the person requesting the handicapped space or their power of attorney.

Business After Hours.

The Marshall County Co-Op is sponsoring Business After Hours on April 28, 2011 from 5:00 p.m. to 7:00 p.m., at 400 Eleventh Street. Any council member wishing to attend please let Acting City Manager Hess know.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. E-Government Solutions. Committee recommends entering into an agreement with WV Interactive Marketing for web page design.

Councilperson Saunders made a motion to enter into an agreement with WV Interactive Marketing for web page design, seconded by Haynes.

After further discussion, Councilperson Wood moved to table this agreement, seconded by Mayor Wallace. Motion carried unanimously.

2. Discussion and Approval of Purchasing a Used Bucket Truck for the Street Department. Committee recommends the Street Commissioner obtain quotes.

Councilperson Saunders made a motion to purchase a used bucket truck for the Street Department, seconded by Councilperson Wood. Motion carried unanimously.

3. Discussion of Policy Manual Review Costs. Committee recommends approving quote for full review.

Councilperson Saunders made a motion to approve the quote of \$2500 for full review, seconded by Mayor Wallace. Motion carried unanimously.

4. Discussion of Timbering Monies. Committee recommends utilizing the funds for Police Department transfer. Monies can be reimbursed in next years budget.

Councilperson Saunders made a motion to utilize the funds from timbering money to the Knights of Pythias building for the Police Department, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. DeWitt, Haynes, Saunders and Wood voting yea. Mayor Wallace voting nay commenting that borrowed funds never get paid back. 4 yeas, 1 nay. Motion carried.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of Part Time Employees Participation in the Money Purchase Plan. Committee recommends to direct the City Attorney draft a resolution clarifying that part time employees are not entitled to participate.

Councilperson Wood made a motion to direct the City Attorney to draft a resolution clarifying that part time employees are not entitled to participate in the Money Purchase Plan, seconded by Councilperson Saunders. Motion carried unanimously.

2. Discussion of Employees Manual Review. Committee recommends to proceed with full view of manual.

Councilperson Wood said this matter was referred back to the Policy Committee.

3. Discussion of Hiring a Grant Writer. Committee recommends moving forward with request for proposals for hiring a grant writer.

Councilperson Wood made a motion to direct the City Manager draft a request for proposals then bring back to council, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion of Parking at Knights of Pythias Building. Committee recommends utilizing two parking spaces and loading zone in front of building for Police Department use.

Councilperson Saunders made a motion to utilize two parking spaces and one loading zone space in front of the Knights of Pythias building for Police Department use, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Saunders, Wood, Mayor Wallace and DeWitt voting yea. Haynes voting nay. 4 yeas, 1 nay. Motion carried.

COUNCIL ITEMS:

* **DeWitt** - Noted that she was approached by an individual that was interested in televising

council meetings, this was not her idea, she was just passing on information to council.

* **Saunders** - Reported curb at the end of Olive Avenue needs repaired.

* **Haynes** - Resident at 76 Oak Avenue requested curb be painted yellow at entrance of his driveway.

* **Wood** - Asked if Chief Kudlak appointed an officer to contact the resident interested in the neighborhood Crime Watch? Sgt. Whipkey said that he contacted her.

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

Meeting adjourned at 8:45 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor