

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JULY 15, 2003**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on July 15, 2003 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson K. Mark Simms.

Acting City Clerk Ankrom called the roll and the following council persons were in attendance: Lemasters, Oiler, Simms, Trussell, Ward and Wallace. Absent: DiRemigio (illness). Also present: City Manager Hendershot, Building Inspector Vickers, Police Lieutenant Robinson, Street Commissioner Richmond, Fire Chief Clarke, City Attorney Tom White, CPA Tom Dobbs Finance Director, and Ankrom. Absent: City Clerk Hewitt (vac) and Police Chief Kudlak (vac).

MINUTES:

Regular Council Meeting of July 1, 2003.

Councilperson Lemasters made a motion to accept and approve the minutes of the regular council meeting of July 1, 2003, seconded by Councilperson Oiler. Motion carried unanimously.

Special Council Meeting of July 1, 2003.

Councilperson Lemasters made a motion to accept and approve the minutes of the special council meeting of July 1, 2003, seconded by Councilperson Simms. Motion carried unanimously.

PRESENTATION:

Mayor Wallace presented a certificate of appreciation to H. Carl Boso, Jr for outstanding community service for assistance with Fire Department training.

Mayor Wallace presented a certificate of appreciation to Jim Woods, Water Department Superintendent, for outstanding community service for work on the Moundsville Water Treatment Plant.

GENERAL PUBLIC HEARING:

* Martha Greathouse, 1523 Fifth Street, presented a petition, signed by residents of Fifth Street from Grant to Cedar Avenues, for re-paving of this section. She suggested developing a rotating schedule for annual paving. Mayor Wallace explained that a priority list is compiled for paving consideration each year,

and that a rotating schedule is nearly impossible.

Councilperson Simms made a motion to receive and file the petition presented by Mrs. Greathouse, seconded by Councilperson Oiler. Motion carried unanimously.

* Bob Baker, 1009 Fifth Street, presented a brief report from the Parks & Recreation Board; he intends to present this report more faithfully in the future. He expressed thanks for all of the volunteers who helped during the Beast of the East tournament; and read a letter from Ed Lyons of the Oceanside, NJ Riptide team expressing gratitude for hospitality received.

Mr. Baker reported that a \$20,000 grant has been received for improvements at the East End Complex. A suggestion box is posted at Four Seasons Pool and Valley Fork, and he encourages community input as to how the monies should be spent for improvements at the pool, ball fields, and/or basketball courts. Discussion was held on improving the restrooms for the East End fields and repairing the batting cages; Councilperson Lemasters intends to look at the pool wiring while roofing project progresses. Mr. Baker encouraged residents to attend the Rec Board meeting on Thursday at 7:00 PM.

City Manager Hendershot expressed appreciation for Congressman Mollohan's assistance with the Vandalia Grant, and the Roberts' Trust committee, which are both helping with the pool roof project; and the Recreation Board for their work in seeing this project come to fruition.

* Jerry Drake, 500 Jefferson Avenue, questioned how much of the Recreation budget is apportioned to the East End complex; Councilperson Lemasters and Manager Hendershot explained that it is difficult to determine how much is apportioned to that specific area. Mr. Drake expressed a desire to see East End receive the attention that it deserves considering that ball teams use that field late into the year, and it is a gathering place for many residents for various reasons. City Manager expressed that the area may need to be "adopted" by a group or individual willing to devote time and effort to spruce up the area.

Mr. Drake also questioned why the Baseball Association does not maintain East End as it does Valley Fork. Councilperson Trussell encouraged Mr. Drake to organize this project.

* H. Carl Boso, Jr, 305 Tenth Street, expressed his opinion that, in previous years, grant money has been wasted by using contractors for projects that could have been done with volunteer labor.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson Lemasters questioned the status of vehicles located behind Accessories Ltd. The Police Department has made contact with one of the employees of Dale's Pontiac, who is attempting to get the weeds and tall grass taken care of. Mayor Wallace questioned whether an ordinance can be drawn up to address the condition of vehicles stored on a commercial car lot. Discussion was held on drafting an

ordinance to require inspections for used vehicles waiting to be sold and requiring privacy fencing. Councilperson Lemasters made a motion to have Attorney White research the State Laws referencing this situation, Councilperson Ward seconded. Motion carried unanimously.

* Manager Hendershot assured Councilperson Trussell that the situation at the corner of Weaver Avenue is being addressed.

* Councilperson Ward asked if Manager Hendershot has addressed the pool at the residence on Clinton Avenue; Manager Hendershot has referred the complaint to the Police Department. Lt. Robinson reported that the property owner has been difficult to contact, and the house is currently vacant. Discussion was held on condemning the property. Councilperson Simms questioned whether the City could qualify for dilapidated structures funding such as the City of Wheeling receives; Manager Hendershot explained that it has been discussed and several issues have to be considered in developing a “priority list.” The West Virginia Housing Development Fund disperses these funds.

* Councilperson Trussell was contacted by a resident next door to 2602 Center Street. This structure was not razed due to uncertainty of asbestos contamination; contractors were not willing to do asbestos testing and Dr. John Hando of WVDEP was not able to complete his testing.

* Councilperson Trussell reported that the property at Second Street & Olive Avenue has been purchased and is going to be demolished. She will try to get information on who is razing the structure.

* Councilperson Ward questioned status of house at Fifth Street and Grant Avenue. Inspector Vickers will make contact.

NEW BUSINESS:

Discussion and Approval of a Resolution of the Moundsville City Council authorizing the City Manager to enter into a contractual agreement with the West Virginia Division of Criminal Justice Services to receive and administer grant funds of the Local Law Enforcement Block Grant Program.

Councilperson Simms made a motion to approve the resolution to authorize the City Manager to enter into a contractual agreement with the WV Division of Criminal Justice, seconded by Councilperson Lemasters. Motion carried unanimously.

This block grant is for \$15,000, with a \$5,000 match, for the purchase of a new cruiser.

Discussion and Approval of a Resolution of the Moundsville City Council authorizing the City Manager to enter into a contractual agreement with the West Virginia Division of Criminal Justice Services to receive and administer grant funds of the Drug Control and System

Improvement Grant Program.

This grant will provide for a Resource Officer at Moundsville Junior High School.

Councilperson Simms made a motion to approve the resolution to authorize the City Manager to enter into a contractual agreement with the WV Division of Criminal Justice, seconded by Councilperson Trussell. Motion carried unanimously.

Complaint of vicious dog loose on Morton Avenue.

Councilperson Trussell was contacted by the Dog Warden in regard to a complaint about a vicious dog running loose on Morton Avenue. He was not able to attend to the situation and contacted the City Dispatch to send an officer to the scene. The officer did not show up, and the dog was gone when the warden arrived at the area. Lt. Robinson was not aware of the situation but will look into it. Discussion was held on Police officers not being equipped to handle vicious dogs and citing the dog owners.

MANAGER ITEMS:

Other Items to be Discussed by Manager.

Letter of apology from Zambelli Fireworks.

Manager Hendershot read a letter of apology from Zambelli Fireworks for the delay in starting the fireworks display on July 4. They also sent a separate letter offering a discount on next year's display.

Thank You letter from the Valley Music Association.

Manager Hendershot received a thank you letter from the Valley Music Association for including the Mound City Band in the July 4 celebration.

St. Francis Xavier request for open parking in City lot at Ruttenbergs.

Manager Hendershot received a letter from St. Frances Xavier Church requesting the use of the City parking lot at Ruttenbergs for the festival August 5-17.

Mayor Wallace made the motion to approve the open parking, Councilperson Oiler seconded. Motion carried unanimously.

Permit to close Second Street for Temple Baptist Block Party.

Manager Hendershot approved a permit for Temple Baptist Church to close Second Street, from Poplar to

Olive Avenues, for a block party on July 24 from 4:00 until 8:00 PM.

Tom Ferris reappointment to the Moundsville Water Board.

Manager Hendershot received a letter from Tom Ferris expressing his desire to remain on the Moundsville Water Board. No other requests were received in response to the advertisement. A letter was also submitted by the Water Board requesting that Mr. Ferris remain.

Councilperson Simms made a motion to approve the appointment, Councilperson Oiler seconded. Motion carried unanimously.

Commercial Insurance Services desire to broker liability insurance.

Commercial Insurance Services has submitted a proposal to become the City's broker for liability insurance. Their rate is 5%, which is slightly higher than what is being charged by Acordia, but Commercial is offering more services than Acordia currently performs. The contract with Acordia has already been renewed for the first quarter, so Manager Hendershot will notify them of termination.

Attorney White asked for a few minutes of Manager's time to discuss easement on Thompson Avenue.

Attorney White prepared an easement to gain access to property on Thompson Avenue to correct a storm drain problem behind the Marshall County COOP. The COOP has agreed to pay a portion of the material cost.

Councilperson Simms motioned to authorize the City Manager to sign the easement, Councilperson Lemasters seconded. Motion carried unanimously.

MAYOR ITEMS:

* Mayor Wallace expressed wishes for Councilperson DiRemigio and his wife to get well soon.

* Thanked all of the City workers for the fine work being done, especially the garbage department.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Nothing at this time.

Discussion and Approval of Recommendations by the Traffic Committee.

* All handicap requests were denied except for Robert Taylor at 1802 Third Street, who has to use a quad hemi-walker, and his wife has had a stroke. Sgt Kaemmerling has confirmed that all criteria were met. Mr. Taylor did not specifically request a “Resident Only” space.

Councilperson Trussell motioned to approve the request, Councilperson Simms seconded. Motion carried unanimously.

* Paving of Thorn and Clinton Avenues has been delayed until spring. Clinton Avenue has been durapatched, and Thorn Avenue has been hot patched to see which will hold longer on concrete streets.

* The storm drain problems at Sixth Street and Washington Avenue and on Seventh Street are being addressed.

Discussion and Approval of Recommendations by the Policy Committee.

Nothing at this time.

COUNCIL ITEMS:

* **Lemasters** - Requested that former Gordon’s property at Second Street and Cedar Avenue be looked at; the grass is quite high.

* The grass at 515 Eighth Street is also becoming a problem.

* Utility pole behind 1001 Sixth Street that was hit by a garbage truck needs replaced. Manager Hendershot reported that the insurance company has taken care of, a new pole has been set, and AEP has moved their line. It has to be determined which utility line is left, and that utility is responsible for removing the damaged pole.

* Tree branches need to be removed from yard and street around 417 Juniper Avenue.

* Potholes need patched near Heller’s Flowers.

* Commended Bob Baker, Tom Sutton, and all Recreation/City workers who helped with the Beast of the East tournament.

* Mayor Wallace requested that Councilperson Lemasters be reaffirmed as the liaison between City Council and the Parks & Recreation Board. A motion was not needed, as the ordinance states that the appointee will remain on the Board as long as he/she is a member of City Council.

* **Oiler** - Received citizen complaint about owners not cleaning up pet waste from yard. Attorney White

stated that this is a violation of City Code and violators can be prosecuted through Municipal Court.

* Commended the Chamber of Commerce for the Music in the Park series. The price is right, the food is good, and the entertainment is excellent.

* **Simms** - Welcomed Councilpersons Trussell and Oiler.

* **Trussell** - Thanked the Police Department for help with problems in her neighborhood and their efficient enforcement of the juvenile curfew.

* Thanked the Street Department for their prompt response to alley problems.

* **Ward** - Has talked to Tucker about obtaining funds to pave Jefferson Avenue from Seventh to Twelfth Streets.

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

Meeting adjourned at 8:21 PM.

Karen L. Ankrom, Acting City Clerk

Dennis Wallace, Mayor