

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **SEPTEMBER 18, 2007**

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on
5 September 18, 2007 at 7:00 p.m.

6
7 Meeting was called to order by Mayor Dennis Wallace.

8
9 Invocation by Councilperson Mark Simms.

10
11 City Clerk Hewitt called the roll and the following councilpersons were in attendance:
12 Cunningham, Vice Mayor Lemasters, Simms, Wood and Mayor Wallace. Absent: DiRemigio &
13 Haynes. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street
14 Commissioner Richmond, Building Inspector Vickers, CPA Kathryn Goddard, Attorney Thomas
15 White and City Clerk Hewitt.

16
17 **MINUTES:**

18
19 **Regular Council Meeting of September 4, 2007.**

20
21 Councilperson Wood made a motion to accept and approve the minutes of the regular council
22 meeting of September 4, 2007, seconded by Councilperson Simms. Motion carried unanimously.

23
24 **GENERAL PUBLIC HEARING:**

25
26 * Brad Varlas, 1107 12th Street, noted that he was representing himself and informed council
27 members that Councilperson Simms will be voting against anything that the Moundsville
28 Volunteer Fire Department requests due to personal matter between their sons.

29
30 Councilperson Simms reflected that he has supported the Moundsville Police Department as long
31 as he has been on council and has been trying to obtain ambulance service for the City of
32 Moundsville for a long time.

33
34 **OLD BUSINESS:**

35
36 **Discussion and Approval of an Ordinance Pertaining to Outdoor and Open Fires. (Second**
37 **Reading)**

38
39 Attorney White read the following ordinance by title only to be passed by council on second and
40 final reading:

41
42 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
43 **VIRGINIA, AMENDING AND REENACTING SECTION 1533.08 OF THE MUNICIPAL**

1 **CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE REGULATIONS FOR**
2 **OUTDOOR BURNING AND FIRES IN THE CITY. (SECOND READING)**
3

4 Councilperson Lemasters made a motion to accept the outdoor burning and fires ordinance,
5 seconded by Councilperson Wood.
6

7 Mayor Wallace called for a roll call vote. City Clerk announced the following tally. 5 yeas.
8 Motion carried unanimously.
9

10 **Discussion of Alterations to the Landfill Bridge.**
11

12 The landfill bridge built last year with DEP funds and was part of the landfill closure possess is
13 in need of alterations due to an ice jam that occurred behind the bridge last winter. Engineers
14 from Department of Transportation suggested building ramps onto the up stream side of the
15 bridge that would allow the ice as it collected to wash up over the bridge. The DEP was
16 contacted and requested an extension on the grant process to allow funding to continue. Due to
17 the weather and timing the engineer requested the city consider declaring this project an
18 emergency purchase in order to have the alterations started before colder weather. If council
19 wishes to use the bid process the advertisement, the bid could be back to council at the next
20 regular council meeting.
21

22 Attorney White commented that city charter provides that anything more than \$10,000 has to be
23 put out for bid. "In the event that of any emergency requiring immediate action, the council by
24 resolution may waive the requirements for competitive bidding providing the resolution set forth
25 the nature of the emergency and the necessity for the immediate action."
26

27 Mayor Wallace made a motion to declare this matter an emergency being necessary to protect the
28 residents in the area from future flooding and to assure that council take immediate action before
29 inclement weather, seconded by Councilperson Wood. Motion carried unanimously.
30

31 **Other Items to be Discussed by Council.**
32

33 * Councilperson Lemasters brought to council's attention the request to replace asphalt at the
34 Valley Fork Walking Trail for \$3700. Attorney White's expressed his opinion in using the
35 Municipal Fee for paving the walking trail stated the ordinance specifically defines the use of the
36 funds for street improvements and street lighting. Manager Hendershot noted there are some
37 funds in the Street Department budget that could be used for the trail.
38

39 Councilperson Simms made a motion to replace the asphalt at the Valley Fork Walking Trail,
40 seconded by Councilperson Lemasters. Motion carried unanimously.
41
42
43

1 **NEW BUSINESS:**

2
3 **Discussion and Approval of an Ordinance Pertaining to Outdoor Off-Premises Advertising**
4 **Signs. (First Reading)**

5
6 Attorney White read the following ordinance by title only to be passed by council on first
7 reading:

8
9 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
10 **VIRGINIA, AMENDING AND REENACTING SECTION 1389.11 OF THE MUNICIPAL**
11 **CODE OF THE CITY OF MOUNDSVILLE TO PROHIBIT OUTDOOR OFF-**
12 **PREMISES ADVERTISING SIGNS WITHIN 500 FEET OF A PUBLIC PARK IN THE**
13 **CITY. (FIRST READING)**

14
15 Councilperson Simms made a motion to accept and approve the outdoor sign ordinance,
16 seconded by Councilperson Lemasters.

17
18 Councilperson Simms asked if this ordinance will stop the billboard being erected near the
19 Riverfront? Attorney White stated as long as they have met the criteria and application has been
20 made on the permit the billboard can proceed.

21
22 Mayor Wallace called for a voice vote. City Clerk announced the following tally. 5 yeas.
23 Motion carried unanimously.

24
25 **Other Items to be Discussed by Council.**

26
27 Councilperson Simms questioned council as to whether or not they were interested in the
28 property near the Riverfront Park? Manager Hendershot advised that council could discuss this
29 further at an Executive Session concerning Real Estate matters.

30
31 **MANAGER ITEMS:**

32
33 **NIMS Training.**

34
35 Manager Hendershot, Vice Mayor Lemasters and several department heads attended the FEMA
36 ISO 100, 200 & 700 class taught by Chief Clarke. Anyone that participates in the command
37 center under the present standards will have to obtain the 300 & 400, which will be scheduled at
38 a later date.

39
40 Also, council needs to pass an ordinance or a resolution that implements NIMS as the City of
41 Moundsville's mode of operation in an emergency situation. Mayor Wallace made a motion to
42 draft a resolution implementing NIMS as a mode of operation in an emergency, seconded by
43 Councilperson Simms. Motion carried unanimously.

1 **Rural Water Association Conference.**

2
3 Manager Hendershot attended several meetings at the Rural Water Association Conference in
4 Snowshoe.

5
6 **Update of 7th Street Project.**

7
8 The Sanitary Board is moving forward with core sampling, drilling approximately 40 feet down
9 or 15-20 feet below the existing pipe to find out what is in the base, what the problem is and
10 what the best way will be to repair the pipe.

11
12 **Business After Hours.**

13
14 The Marshall County Chamber of Commerce is sponsoring Business After Hours hosted by
15 Perkins, to be held at Perkins on Thursday, September 27, 2007, 5-7 p.m.

16
17 **Chamber of Commerce Dinner.**

18
19 The Marshall County Chamber of Commerce is holding their annual dinner at the Moundsville
20 Training Center on October 4, 2007, Cocktails at 5:30 p.m., Dinner at 6:30 p.m. Don Nehlen
21 will be guest speaker.

22
23 **Marshall County Youth Club.**

24
25 The Marshall County Youth Club sent a thank you letter to council thanking them for a monetary
26 donation for the club.

27
28 Mayor Wallace made a motion to receive and file the letter, seconded by Councilperson Wood.
29 Motion carried unanimously.

30
31 **MAYOR ITEMS:**

32
33 * Mayor Wallace sent condolences to Councilperson Haynes and his family on the recent loss of
34 his wife. Ohio Valley Hospital was holding a memorial service for her tonight.

35
36 **COMMITTEE REPORTS:**

37
38 **Discussion and Approval of Recommendations by the Finance Committee.**

39
40 1. Recommend the Purchase of a Gas Monitor for the Fire Department in the Amount of \$3,900.

41
42 Councilperson Lemasters made a motion to purchase the gas monitor for the Fire Department,
43 seconded by Councilperson Simms. Motion carried unanimously.

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

2
3 1. Recommend the Approval for a Handicapped sign at 113 Jefferson Avenue.

4
5 Councilperson Simms made a motion to approve a handicapped parking space at 113 Jefferson
6 Avenue, seconded by Councilperson Wood. Motion carried unanimously.

7
8 **COUNCIL ITEMS:**

9
10 * **Cunningham** - Reported the traffic on Second Street at Court Avenue has slowed down.
11 Manager Hendershot said that he spoke with the Prevention Resource Officer at Jr High who said
12 he would speak to the teachers.

13
14 * Asked Manager Hendershot for a list of businesses who ordered swings or benches.

15
16 * Asked if the football teams are going to take over the field at the Riverfront. Manager
17 Hendershot advised the Panther Football Team is practicing in that field at this time. They are
18 aware when the campground is complete, they will no longer be allowed to utilize that field.

19
20 * Asked for an update on the camp sites. Manager Hendershot advised that he spoke to Jack
21 Tush and received a list of materials needed for the sites.

22
23 * **Simms** - Nothing at this time.

24
25 * **Wood** - Noticed "No Trespassing" signs on the Gordon's Property, grass has been cut and the
26 sign is falling off the front. Manager Hendershot reported the Police Department assisted
27 Building Inspector Wise in obtaining a search warrant for access of the property. Reports are
28 being made and photographs are being taken. However, there is a company interested in
29 purchasing the property, razing the building and placing a new business on the site.

30
31 * **Lemasters** - Reported property at 1514 & 1516 Fourth Street need cleaned up, one was
32 previously on fire.

33
34 * Asked about a wage scale for the Street Department for newly hired employees certified in
35 operating equipment.

36
37 * Commended Sgt. Helms on the article in the Echo when he responded to a call on McConnell
38 Drive.

39
40 Councilperson Lemasters made a motion to hold an Executive Session for Real Estate matters
41 after a five minute recess, seconded by Councilperson Wood. Motion carried unanimously.

42
43 Meeting recessed at 7:47 p.m.

1 Meeting reconvened at 8:00 p.m.
2
3 Executive Session began at 8:00 p.m.
4
5 Executive Session recessed at 8:21 p.m.
6
7 Councilperson Simms made a motion to adjourn, seconded by Councilperson Lemasters. Motion
8 carried unanimously.
9
10 Meeting adjourned at 8:22 p.m.
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Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor