

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **FEBRUARY 17, 2009**

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on
5 February 17, 2009 at 7:00 pm.

6
7 Meeting was called to order by Mayor David Wood. Invocation was given by City Manager
8 Hendershot.

9
10 Acting City Clerk Ankrom called the roll and the following councilpersons were in attendance:
11 Haynes, Saunders, Simms, Wallace, Young and Mayor Wood. Absent: Cunningham. Also
12 present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clark, Kevin Wallace,
13 Building Inspector Vickers, CPA Kathryn Goddard, Attorney Thomas White and Acting City
14 Clerk Ankrom. Absent: City Clerk Hewitt.

15
16 **MINUTES:**

17
18 **Regular Council Meeting of February 3, 2009.**

19
20 Councilperson Haynes made a motion to accept and approve the minutes of the regular council
21 meeting of February 3, 2009, seconded by Councilperson Saunders. Motion carried unanimously.

22
23 **GENERAL PUBLIC HEARING:**

24
25 **Tony Ankrom, Moundsville Rifle & Pistol Club concerning renovations of the facility.**

26
27 Tony Ankrom, of RD 2 Box 189 ½, Fish Creek, Proctor, WV, serving as President of the
28 Moundsville Rifle & Pistol Club, presented concerns about the delay in renovations after a water
29 leak damaged much of the old prison barn at Valley Fork Park, which the Club uses for an indoor
30 bow and pistol range. Mr. Ankrom passed around pictures of the facility, both before and after the
31 damage, as well as a letter he received from City Manager Hendershot addressing the delay. Mr.
32 Ankrom stated that the greatest concerns at present is the fact that 55 Marshall County School
33 students are using the facility for the "Archery in the Schools" program, but do not have adequate
34 restroom facilities; and the Club is losing revenue due to the closure. After Mayor Wood
35 requested further information on the work done so far by Panhandle Cleaning and Restoration,
36 Manager Hendershot noted that City Attorney White recommended that the bid policy be
37 followed. Attorney White explained that the bid process cannot be circumvented, and Council
38 members agreed that this particular situation is not an emergency, in spite of the mold problem
39 mentioned by Mr. Ankrom. Mayor Wood assured Mr. Ankrom that the bid specifications will be
40 followed, as advised by the insurance adjuster, and work completed as soon as bid time frame
41 allows.

42
43 * Kim Brooks, 208 11th Street, commended the Street Department on the tree work they did. Ms
44 Brooks noted that the previous owner of the building at 1008 Thompson Avenue told her that the

1 property was sold only because he could not afford to tear the structure down; she feels that the
2 City should have taken care of that since “they” were the ones who condemned the building. She
3 reiterated her opposition to the proposed zone change. Ms Brooks presented, to Attorney White,
4 case information referring to a similar situation in Morgantown.

5
6 * Mr. Adkins, 298 11th Street, expressed concern about the decrease in his property value if the
7 proposed zone change is approved and prospective business built.

8
9 * David White, 406 Clinton Avenue, questioned whether engineering study was done at 1008
10 Thompson Avenue since it is in the flood plain. City Manger Hendershot explained that this is
11 done on a case-by-case basis and, since Mr. Cunningham has not filed the appropriate paperwork
12 to begin construction, a study has not been done. Asked if street sweeper will run all week; Kevin
13 Wallace noted that it will as weather permits.

14
15 * Brad Varlas, 1107 12th Street, encouraged Council to look favorably at the prospect of buses
16 running into Moundsville from surrounding areas.

17
18 * Ted Boggs, Pastor of Life Song Ministries, Vice-President of Ohio Valley Faith and Family
19 Ministries, 1303 1st Street, mentioned that his organization is planning a festival to be held June
20 12-13, 2009; and is seeking suggestions, and guidance on regulations, for holding such festival.
21 He hopes to have cooperation from City leaders and residents as his ministry seeks to encourage
22 moral values and offer resources to families in crisis. Manager Hendershot suggested Mr. Boggs
23 call his office with details that he can help with.

24
25 *Dwight Cunningham, 1301 4th Street, stated that he has some preliminary drawings, done by
26 Chaz Pozell, of the proposed business that he plans to install at 1008 Thompson Avenue. Upon
27 questioning by Councilperson Saunders, Mr. Cunningham explained that he will have constructed
28 at least three apartments over an ice cream shop and storage unit, as well as an additional rental
29 unit next door. Mr. Cunningham plans to invest \$300,000-\$400,000 and assured Council that he
30 will follow all required building and flood regulations, which means work cannot move forward
31 for one to two months.

32
33 **OLD BUSINESS:**

34
35 **Discussion and Approval of a Zone Change Ordinance for 1008 Thompson Avenue from R-**
36 **M to C-C-C-H. (Second Reading)**

37
38 Attorney White read the following ordinance by title only to be passed by Council on second and
39 final reading:

40
41 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING**
42 **TO CHANGE A CERTAIN DESIGNATED AREA AT OR NEAR 1008 THOMPSON**
43 **AVENUE IN THE CITY OF MOUNDSVILLE FROM A MULTI FAMILY RESIDENTIAL**
44 **ZONE TO A COMBINED CENTRAL BUSINESS & HIGHWAY COMMERCIAL ZONE.**

1 **(SECOND READING)**

2

3 Councilperson Young made a motion to approve the zone change, seconded by Councilperson
4 Simms. Mayor Wood called for a roll call vote. Acting City Clerk announced the following tally:
5 5 yeas, 1 nay; Haynes voting nay. Motion carried.

6

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

8

9 Councilperson Saunders has a proposal to present under New Business.

10

11 **NEW BUSINESS:**

12

13 **Discussion and Approval of a Recommendation by the Moundsville Planning Commission**
14 **for a Zone Change at 109 13th Street from S-R (Special Recreational) to C-H (Neighborhood**
15 **Commercial).**

16

17 Manager Hendershot explained, and Attorney White confirmed, that passage will only direct the
18 Attorney to draft an ordinance, not change the zoning. Building Inspector Vickers has not seen
19 any written plans to compare with the flood plain regulations.

20

21 Councilperson Saunders made a motion to move forward with drafting the ordinance, seconded by
22 Councilperson Haynes. Upon discussion with Councilperson Wallace, Councilperson Haynes
23 noted that neither Mr. Hartley nor his wife were present at the Planning Commission meeting
24 when the recommendation was discussed. Attorney White noted that C-H is Commercial
25 Highway, not Neighborhood Commercial, which is C-N. Planning Commission member William
26 McConnell noted, from the audience, that the requested change is to C-N. City Attorney White
27 will draft the ordinance change to C-N. Mayor Wood called for a roll call vote. Acting City Clerk
28 announced the following tally: 6 yeas. Motion carried.

29

30 **Discussion and Approval of an Ordinance Pertaining to Sidewalk Upkeep in the City of**
31 **Moundsville. (First Reading)**

32

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

34

35 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
36 **VIRGINIA, AMENDING SECTION 901.16 OF THE CITY CODE TO PROVIDE FOR**
37 **SIDEWALK INSTALLATION, UPKEEP AND REPAIR BY PROPERTY OWNERS, AND**
38 **PROVIDE FOR PENALTIES AND ASSESSMENTS FOR FAILURE TO DO SO. (FIRST**
39 **READING)**

40

41 Councilperson Wallace made a motion to approve the ordinance on first reading, seconded by
42 Councilperson Saunders. Councilperson Young expressed his concern that ordinance passage will
43 cost residents too much money; to which Councilperson Wallace commented that residents are not

1 doing their part or the ordinance would not need to be discussed. Councilperson Simms noted,
2 and Attorney White agreed, that the ordinance was revised to protect the City from unnecessary
3 lawsuits; and provide remedy against negligent property owners by filing liens. Mayor Wood
4 called for a roll call vote. Acting City Clerk announced the following tally: 5 yeas, 1 nay; Young
5 voting nay. Motion carried.

6
7 **Appointment to the Moundsville Planning Commission**

8
9 Manager Hendershot stated that he received applications from Sue Lunau and Joseph Oakland.
10 Since Mrs. Lunau has served in other areas and has experience with City committees, he will
11 appoint her to the Planning Commission.

12
13 **Removal of Fourth Ward Councilperson**

14
15 Councilperson Saunders made the motion to remove Mr. Cunningham from the Fourth Ward
16 Council seat since he has missed three consecutive meetings pursuant to City Charter, seconded
17 by Councilperson Haynes. Mayor Wood called for a roll call vote. Acting City Clerk announced
18 the following tally: 6 yeas. Motion carried.

19
20 **Other Items to be Discussed by Council**

21
22 Councilperson Saunders made a motion to offer Fourth Ward residents opportunity to submit
23 letters of interest for the vacant Council seat, seconded by Councilperson Simms. Manager
24 Hendershot will advertise the position, setting the deadline so that letters can be reviewed at the
25 March 3 Council meeting. Mayor Wood called for a roll call vote. Acting City Clerk announced
26 the following tally: 6 yeas. Motion carried.

27
28 **MANAGER ITEMS:**

29
30 **Special Meeting to Present Budget Message**

31
32 Manager Hendershot requested Council to schedule a Special Meeting so that he may present the
33 Budget Message, which must be done by the end of February. Special Meeting is for February 25
34 at 5:00 PM.

35
36 **Manager's Workshop**

37
38 Manager Hendershot reminded Council that a Manager's Workshop will be held tomorrow
39 evening at 5:00 PM to discuss budget drafts.

40
41 **Small Cities' Block Grant Extension and Additional Funding**

42
43 Manager Hendershot announced that he received notification of time extension and additional

1 funding for the Small Cities' Block Grant, for low income housing rehabilitation, administered by
2 Bel-O-Mar. The additional funds will allow remodeling of one more house.

3
4 **Sanford Elementary**

5
6 Manager Hendershot enclosed copies of a list, compiled by the Family Resource Network, of the
7 pros and cons of using Sanford Elementary as a community center. The FRN is not willing to
8 accept the responsibility of becoming an "umbrella organization" to manage the prospective
9 center. Manager Hendershot will continue to pursue this opportunity.

10
11 **MAYOR ITEMS:**

12
13 * Mayor Wood commented on recent meetings with State Legislators. One area discussed was
14 obtaining financial assistance with the Fire and Police Pension funds; extending the amortization
15 time line; and changing the funding method, which becomes increasingly expensive, as the City
16 contributes a 7% increase each year.

17
18 * Mayor Wood reminded Council that "readable goals" will be available at the next meeting.

19
20 **COMMITTEE REPORTS:**

21
22 **Discussion and Approval of Recommendations by the Finance Committee.**

23
24 Councilperson Wallace noted that the 2009-2010 Budget was reviewed at the meeting and invited
25 everyone to the Manager's Workshop.

26
27 Councilperson Wallace explained that, due to the substantial decrease in Business & Occupation
28 Tax revenue, as noted by CPA Goddard in the January 2009 Financial Statements, expenditures
29 will be closely monitored through the rest of this fiscal year. Manager Hendershot has already
30 discussed the matter with City Department Heads, and there is now a freeze on Capital
31 Expenditures and overtime costs are to be limited.

32
33 Councilperson Wallace stated that, due to obvious constraints on the budget, the process of
34 converting City Codes and Charter for internet access has been put on hold.

35
36 Councilperson Wallace mentioned that no action was taken on the request for donation for the
37 John Marshall Softball banner. The boosters will be notified.

38
39 **Discussion and Approval of Recommendations by the Traffic Committee.**

40
41 Councilperson Saunders noted that the signs are up at Jefferson Avenue and 7th Street and also at
42 Tomlinson Avenue and 7th.

43 Councilperson Saunders stated that checks are still being done on the red light at 5th Street and
44 Jefferson Avenue.

1
2 Councilperson Saunders mentioned that Police Chief Kudlak is still investigating a handicap
3 request.

4
5 Councilperson Wallace asked about the catch basin at Center Street, from Sycamore to Highland
6 Avenues; Manager Hendershot explained that this was discussed and will have to be corrected
7 before paving. Discussion was held on having more streets engineered in the event that “stimulus”
8 money is available for paving issues. Councilperson Saunders confirmed that the nine streets
9 listed on the 2008 paving list would have priority for this year.

10
11
12 **Discussion and Approval of Recommendations by the Policy Committee.**

13
14 Mayor Wood again mentioned that the Committee discussed establishing goals for the upcoming
15 year and the written form will be available at the next meeting.

16
17 Mayor Wood noted that discussion was held on the Sidewalk Ordinance.

18
19 Mayor Wood commented that not action was taken on the Ambulance ordinance.

20
21 **COUNCIL ITEMS:**

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

24
25 * **Saunders** - Received call about speeders on 12th Street. Resident later called back to express
26 thanks to Police Department for increased patrol.

27
28 * Thanked Street Department for putting up the traffic signs.

29
30 * **Simms** - Nothing at this time.

31
32 * **Wallace** - Expressed regret about what had to be done in regard to Fourth Ward Councilperson.
33 Although he was not happy with removing Councilperson Cunningham, the Ward deserves
34 representation. He also thanked Councilperson Cunningham for the work he did in the past and
35 wished him well.

36
37 * **Young** - Thanked the Street Department for their effort in trying to keep the streets cleaned,
38 which he realizes is difficult with the weather conditions and amount of cinders.

39
40 * Also thanked Street Department for the work they have done in filling pot holes. Manager
41 Hendershot encouraged citizens to call the office to report holes, as the Street Department may
42 not be aware of all of them, and filling will be done as soon as possible. Councilperson Young
43 mentioned the pot hole, on Purdy Avenue, at the red light near Gumby’s and 84 Lumber.

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2 Councilperson Wallace made a motion to adjourn, seconded by Councilperson Saunders. Motion
3 carried unanimously.

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5 Meeting adjourned at 8:05 pm.

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11 Karen L. Ankrom, Acting City Clerk

David L. Wood, Mayor