

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

3

4 The Council of the City of Moundsville met in regular session in the Council Chambers on June  
5 2, 2009 at 7:00 p.m.

6

7 Meeting was called to order by Mayor David Wood.

8

9 Invocation by the Councilperson Mark Simms.

10

11 City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt,  
12 Haynes, Saunders, Simms, Wallace, Young and Mayor Wood. Also present: City Manager  
13 Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Commission Richmond, Building  
14 Inspector Wise, CPA Kathryn Goddard, City Attorney Thomas White and City Clerk Hewitt.

15

16 **MINUTES:**

17

18 **Regular Council Meeting of May 19, 2009.**

19

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

22

23 **GENERAL PUBLIC HEARING:**

24

25 \* Linda Markey, 21 Fostoria Avenue, reported damage to her foundation during the last two  
26 storms. She noted that she contacted her insurance who informed her they will not cover the  
27 damages. Mrs. Markey provided pictures to council members.

28

29 Manager Hendershot said that he is aware of damage caused by the storms. He encouraged Mrs.  
30 Markey to stop by the City Building and provide us with information. The city will then turn the  
31 damage into their insurance. Manager Hendershot did make Mrs. Markey aware that the  
32 insurance may not cover the damage.

33

34 \* Amy Toler, 27 Fostoria Avenue, also reported some damage, but hopes that council could help  
35 in correcting the problem that leads to the flooding.

36

37 Manager Hendershot informed Mrs. Markey & Ms. Toler that they will check out the situation  
38 tomorrow.

39

40 \* Carmina Oakland, 29 Fostoria Avenue, thanked the street department for removing all the trash  
41 in the area behind her house & reported damage to tiles on the foundation of her house.

42

43

44 Manager Hendershot also advised Mrs. Oakland that she could also provide information to the  
45 city and file a claim with their insurance company.

46

1 \* David Knuth, Strand Theater Preservation, invited council to join them for a “hard hat lunch”  
2 on June 24 at 11:30 a.m. A brown bag lunch will be served at the former Grisell home on Fifth  
3 Street and a tour through the Strand Theater. Invitations will be sent in the mail.

4  
5 \* Jason Turner, 412 Glenwood Avenue, spoke to council on behalf of the Marshall County  
6 Tourism Committee and asked for financial support of \$2500 per year for a “Tourism Leader”.  
7 Mr. Turner suggested the possibility of using the city’s Hotel/Motel Tax.

8  
9 \* Paul Kirby, MEDC, added to Mr. Turner’s discussion in hopes that the Marshall County  
10 Commission, Marshall County Chamber of Commerce, MEDC, as well as the City of  
11 Moundsville help with funding the Tourism Committee.

12  
13 \* Kristen Hendershot, 1 Hess Court, spoke to council on the importance of after school care for  
14 Marshall County children.

15  
16 \* Phil Remke, 227 Jefferson Avenue, asked council to speak with delegates concerning property  
17 insurance.

18  
19 **OLD BUSINESS:**

20  
21 **Other Items to be Discussed by Council.**

22  
23 \* Mayor Wood commented on the situation at Central Elementary stating his comment at the last  
24 council meeting concerning the handicapped bus was that not every handicapped bus has a  
25 physically handicapped child on that bus. There are other kids that have disabilities that ride that  
26 bus.

27  
28 \* Mayor Wood asked Chief Kudlak if any complaints had been filed concerning the barking  
29 dogs in the Meighen Avenue area. Chief Kudlak commented that complainants need to contact  
30 the police department at the time the problem is taking place, not weeks later.

31  
32 \* Councilperson Haynes asked Manager Hendershot if the city was going to help Mr. Wolfe on  
33 Sandy Avenue with the large hole in his yard.. Manager Hendershot reported the first thing done  
34 was to block the drain that actually serves the street. The plan is to seal it off so it does not  
35 collapse. Street Commissioner Richmond also noted they will fill the pipe with a slurry mix so  
36 the pipe will never collapse.

37  
38 \* Councilperson Saunders asked if administration could speed up the process used to notify  
39 owners of their dilapidated houses? Manager Hendershot commented that administration could  
40 speed up the initial notifications. This would cut down the time between the initial notification  
41 and the official notification.

42  
43  
44 \* Councilperson Simms informed council that the owner of the house on Morton Avenue is in  
45 the process of tearing it down.

46

1 **NEW BUSINESS:**

2

3 **Discussion and Approval of a Zone Change Ordinance for First Street & Grant Avenue**  
4 **from a General Residential (R-G) to a Highway Commercial (C-H). (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, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA AT OR**  
11 **NEAR FIRST STREET AND GRANT AVENUE IN THE CITY OF MOUNDSVILLE**  
12 **FROM A GENERAL RESIDENTIAL ZONE TO A HIGHWAY COMMERCIAL ZONE.**  
13 **(FIRST READING)**

14

15 Councilperson Haynes made a motion to approve the zone change ordinance, seconded by  
16 Councilperson Saunders for discussion.

17

18 Attorney White asked Building Inspector Wise explain his findings concerning the property  
19 located at First Street & Grant Avenue.

20

21 Building Inspector Wise reported that he found that his research shows the area in question as  
22 commercial property and the property is in compliance with the Comprehensive Plan.

23

24 Councilperson Haynes amended his motion to include the zone change ordinance is consistent  
25 with the Comprehensive Plan, seconded by Councilperson Saunders.

26

27 Mayor Wood called for a voice vote. City Clerk announced the following tally. 7 yeas. DeWitt,  
28 Haynes, Saunders, Simms, Wallace, Wood and Young. Motion carried unanimously.

29

30 **MANAGER ITEMS:**

31

32 **Discussion of Purchasing a New Police Cruiser.**

33

34 Manager Hendershot reported that a police cruiser has been paid off and funds are already  
35 budgeted.

36

37

38 Councilperson Simms made a motion to purchase a new police cruiser for the Police  
39 Department, seconded by DeWitt.

40

41 Mayor Wood called for a voice vote. City Clerk announced the following tally. Haynes,  
42 Saunders, Simms, Wallace, Wood, Young and DeWitt. 7 yeas. Motion carried unanimously.

43

44

45

46

1 **Annual Antique Car Show.**

2  
3 Manager Hendershot reminded council of the Moundsville Annual Antique Car Show on Friday,  
4 June 5, 2009 from 5 p.m. to 9 p.m.

5  
6 **Pot Holes on Lafayette Avenue.**

7  
8 Manager Hendershot contacted DOH concerning the pot holes on Lafayette Avenue. DOH is  
9 planning to start this week on Lafayette Avenue grinding & patching.

10  
11 **Fostoria Property Update.**

12  
13 The developer estimated another month before they get the area that is cross contaminated clean.  
14 Raze has moved the debris in a large pile where they hand sort everything. A grant for \$200,000  
15 was received for the remaining abatement of the Fostoria buildings.

16  
17 **5<sup>th</sup> Street & Jefferson Avenue Traffic Signal.**

18  
19 Manager Hendershot reported that DOH has completed their initial study and they do  
20 recommend the traffic light be removed. However, Federal Policy suggests the lights be placed  
21 on flash. Manager Hendershot suggested placing stop signs at the intersection in conjunction  
22 with the flash. Chief Kudlak does not recommend two traffic control devices at one intersection.  
23 DOH will continue to study the intersection to consider a 4-way stop or 2-way stop.

24  
25 **Storm Caused Damage to Street & Houses.**

26  
27 Manager Hendershot contacted the Marshall County Office of Emergency Management, the  
28 State OEM and Homeland Security and Local Legislatures concerning the recent storm that  
29 damaged many houses and alleys in town, and damage to a section of Highland Avenue.  
30 Manager Hendershot spoke with City Engineer Jack Tush asking him to include Highland  
31 Avenue in the bid process.

32  
33 **Update on the Simmons Apartment Structure.**

34  
35 Manager Hendershot has been in contact with the owners of Simmons Apartments. They are  
36 beginning the testing process on the materials to determine if they are hazardous and continuing  
37 to move forward.

38  
39 **Stimulus Money Available.**

40  
41 Manager Hendershot announced stimulus money has become available to city and county  
42 governments to make their buildings more energy efficient. This area is controlled by BelOMar  
43 and has been earmarked for approximately \$600,000. Hopefully, the city will get a share of the  
44 grant.

45  
46

1 **Vacant Shop & Save Building.**

2

3 After council's suggestion, Manager Hendershot contacted the owner of the Shop & Save  
4 building who said they had several local individuals who expressed interest in purchasing the  
5 building. Since negotiations have not been met, the owners will be placing the sale on a national  
6 website. At this point the building will be advertised for sale or lease of the whole building.

7

8 **Northern Panhandle Workforce Investment.**

9

10 The City of Moundsville has received a contract with Northern Panhandle Workforce Investment  
11 Board for eight(8) summer workers and one(1) supervisor. They will be helping the Street  
12 Department with mowing and curb painting.

13

14 **Near Earth Object Foundation.**

15

16 The Near Earth Object Foundation in collaboration with the West Liberty University SMART-  
17 Center and Astrolabe astronomy club is requesting permission to place a NanoScale Planet Walk  
18 on the Moundsville/Glen Dale trail. The Planets, the Sun and the respective distances and sizes  
19 will be depicted at a 1 billionth scale (NanoScale).

20

21 Council authorized the Manager to proceed with the project.

22

23 **MAYOR ITEMS:**

24

25 \* Mayor Wood announced a concert at the Riverfront Park on June 11, 2009.

26

27 \* Mayor Wood asked for an update on the bus transportation. Manager Hendershot reported  
28 nothing further other than OVRTA administratively going through the process to bid the routes.

29

30 \* Mayor Wood asked City Clerk about the annual summer Municipal League Conference in  
31 Charleston. City Clerk reported the annual conference will be in Charleston on August 5, 6, &  
32 7<sup>th</sup>, 2009. All Council members interested in attended must contact the City Clerk.

33

34 \* Mayor Wood thanked whom ever was responsible for having the weeds cut along the Fostoria.

35

36 \* Mayor Wood wished to thank all those involved in the river tragedy.

37

38 **COMMITTEE REPORTS:**

39

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

41

42 Councilperson Wallace scheduled a finance meeting on Tuesday, June 9, 2009 at 5:00 p.m.

43

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

45

46 Councilperson Simms scheduled a traffic meeting following the finance meeting.

1  
2 **Discussion and Approval of Recommendations by the Police Committee.**

3  
4 Mayor Wood scheduled a policy meeting following the traffic meeting.

5  
6 **COUNCIL ITEMS:**

7  
8 \* **Wallace** - Asked the Street Commissioner Richmond to replace the Riverfront Park sign near  
9 the Prima. Words are not visible.

10  
11 \* Reported a tree hanging over street at 14<sup>th</sup> & Lockwood Avenue. Street Commissioner  
12 reported he spoke with owners son who would like to be present when the tree is being trimmed.

13  
14 \* Condolences to the family of Eligha Anderson.

15  
16 \* **Saunders** - Asked if the old street sweeper can be replaced with a new one? Manager  
17 Hendershot reported the city considered purchasing a new Pelican sweeper but could not budget  
18 the funds because they are still paying on the other sweeper. Councilperson Saunders asked  
19 council to look at the budget again to try to find funding.

20  
21 \* Reported the guardrail at the entrance of Harmony Drive is stick out & sharp. Street  
22 Commissioner Richmond advised they have checked with the state but have not been able to  
23 locate it but they are working on fix the edge.

24  
25 \* Provided City Manager with a list of deteriorating houses in town.

26  
27 \* **Young** - Condolences to the Anderson Family on the loss of their son.

28  
29 \* Thanked the Water Department for fixing the street at First Street & Poplar Avenue.

30  
31 \* Reported high grass at 315 Poplar Avenue.

32  
33 \* Asked if the City was hiring another officer to replace Trevor Goode? Manager Hendershot  
34 advised they are in the process.

35  
36 \* Wished to thank all employees for the jobs they do.

37  
38 \* **Haynes** - Reported pot holes from the top of Linden Avenue to the bottom of Locust Avenue.

39  
40 \* **Simms** - Received complaints about the trailer at 1607 Ruby Street. Manager Hendershot  
41 advised the city could look at the situation.

42  
43 \* Commented on the problem at 4<sup>th</sup> & Grant with traffic thinking the intersection is a 4-way stop  
44 because of the truck route signs. Chief Clarke asked the street department after the accident to  
45 trim the tree that is obstructing the sign.

46

1 \* Manager Hendershot commented that the stop signs at Hancock Street & Mulberry Avenue  
2 have not been installed because of the trees that would be hanging over the signs.  
3  
4 \* Reported street light out in city lot by Morton Avenue.  
5  
6 \* Thought that council approved the purchase of a cutting machine that cut the median for the  
7 street department. Manager does not recall the approval, but he & the Street Commissioner have  
8 been discussing the need for some type of equipment for the median. DOH is going to assist in  
9 spraying the area.  
10  
11 \* Extended his sympathy to the Anderson family on the loss of their son who Councilperson  
12 Simms knew.  
13  
14 \* **DeWitt** - Commended all departments involved in the search for Eligha Anderson and  
15 extended sympathy to his family.  
16  
17 \* Asked about the city's tethering ordinance and would like the County Commission and the  
18 City to meeting concerning issues of dogs running loose in the city. She would also like to invite  
19 Cindy Brautigam from the animal shelter to the meeting.  
20  
21 \* Reported a large hole on Garfield Street between Diamond Street & Pearl Street also the corner  
22 of Ruby & Garfield and the north gate of the former prison.  
23  
24 \* When functions are being held at the former prison, people park on the yellow lines at the  
25 intersections especially at 8<sup>th</sup> & Washington Avenue.  
26  
27 \* Reported telephone pole is broken at 7<sup>th</sup> & Baker.  
28  
29 \* Asked about why the city does not recycle any more and will they start the program again?  
30 Manager Hendershot reported since the city changed from a class II to a class III city recycling is  
31 no longer required. Also, there is no market for recycled materials in this area.  
32  
33 \* Reported the gate to the old barracks is unlocked and windows are broken.  
34  
35 Councilperson DeWitt made a motion to adjourn, seconded by Councilperson Simms. Motion  
36 carried unanimously.  
37  
38 Meeting adjourned at 8:32 p.m.  
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43 Sondra J. Hewitt, City Clerk

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David Wood, Mayor