

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **JULY7, 2009**

3

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

6

7 Meeting was called to order by Mayor David Wood.

8

9 Invocation by 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 Commissioner Richmond, CPA
14 Kathryn Goddard, City Attorney Thomas White and City Clerk Hewitt. Absent: Building
15 Inspector Don Wise.

16

17 **MINUTES:**

18

19 **Regular Council Meeting of June 16, 2009.**

20

21 Councilperson Haynes made a motion to accept and approve the minutes of the regular council
22 meeting of June 16, 2009, seconded by Councilperson Saunders. Motion carried unanimously.

23

24 **GENERAL PUBLIC HEARING:**

25

26 * Carmina Oakland, 29 Fostoria Avenue, informed council that she received a letter from the
27 City's Insurance company denying her claim of water damage. She asked if the insurance agent
28 was on site to view her damages. She also wants to know who is going to keep the drain free
29 from debris so this won't happen again.

30

31 Manager Hendershot was not sure if the insurance agent viewed the damages and stated that the
32 city is keeping the drain free from debris, even though the drain is not their responsibility.

33

34 * Mike Gunto, 2411 Kanawha Street, reported sewers backed up into this basement during the
35 last heavy rain and wanted to know that the city was going to do to keep this from happening
36 again.

37

38 Manager Hendershot reported the Street Department found a collapsed pipe on Kanawha Street
39 and hopes that repairing the pipe will prevent this from happening again. Councilperson Simms
40 told Mr. Gunto the Sanitary Board will provide a "flow valve" to residents that are having the
41 problem of water backing into their basements. The resident will have to install the flow valve
42 themselves.

43

44 * Kent Jones, 418 Glenwood Avenue & Derrick West, both representing the Moundsville
45 Baseball Association, expressed how upset and ashamed they were that Recreation did not assist
46 in cleaning up the Valley Fork ballfield after the flood in time for the Beast of the East

1 Tournaments. They commented that Moundsville Council should be ashamed that people from
2 all over the country participated in this tournament and left a baseball facility in the shape it was
3 in. However, they did thank Councilperson Saunders and Fire Chief Noel Clarke for their
4 assistance.

5
6 * Irene Hammers, 21 Clive Avenue, Hillview Terrace, reported large amounts of water running
7 down Harmony Drive breaking her basement window and flooding her basement.

8
9 Councilperson Saunders reported the large culvert on Harmony Drive being plugged up.

10
11 * Ed Tomlinson, 14 Clive Avenue, reported his yard and basement also being flooded. He thinks
12 the water diverted to Clive Avenue because of a drainage ditch being filled with very large rocks.
13 Mr. Tomlinson presented pictures to council of the area residents are talking about.

14
15 * Margaret Turner, 15 Clive Avenue, reiterated the problems residents are having when it rains.
16 She hopes that council members will take action on the problem.

17
18 * Rose Sloan, 501 Tenth Street, presented a petition of residents from the Golden Towers and
19 Helper Pavilion asking for the bus service to stop on 10th Street for Moundsville residents.

20
21 Councilperson Simms made a motion to receive and file the petition, seconded by Councilperson
22 Haynes. Motion carried unanimously.

23
24 * Anna Louise Yoho, 16 Clive Avenue, also complained of the water running down her
25 driveway every time it rains.

26
27 **OLD BUSINESS:**

28
29 * Mayor Wood asked if Auto Choice was going to attend a council meeting. Attorney White
30 reported that Auto Choice will be at the July 21st Council Meeting.

31
32 * Councilperson Saunders asked for an update on A Touch of Everything building on Second
33 Street. Manager Hendershot reported that Mr. Morris signed a contract with a 45 day removal
34 period.

35
36 * Councilperson Haynes asked if RAZE has quit on the Fostoria job. He has not seen any clean
37 up there lately. Manager Hendershot reported RAZE received another contract and had to move
38 some equipment for a short period of time to a paying job. Councilperson Haynes asked that
39 Manager Hendershot invite Mr. Games to a Council Meeting to answer some questions.

40
41 **NEW BUSINESS:**

42
43
44 **Discussion and Approval of an Ordinance Pertaining to Compensatory Time Off. (First**
45 **Reading)**

46

1 Attorney White read the following ordinance by title only to be discussed by council on first
2 reading:

3
4 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
5 **VIRGINIA, TO AMEND SECTION 155.06(b) and (d) OF THE EMPLOYEE POLICY**
6 **REGULATIONS PROVIDING FOR INSURANCE BENEFITS AFTER NINETY DAYS**
7 **OF EMPLOYMENT WITH THE CITY. (FIRST READING)**

8
9 Councilperson Simms made a motion to approve the above ordinance, seconded by
10 Councilperson Haynes.

11
12 Mayor Wood called for a voice vote. City Clerk announced the following tally. Mayor Wood,
13 DeWitt, Haynes, Saunders, Simms, Wallace and Young. 7 yeas. Motion carried unanimously.

14
15 **Discussion and Approval of an Ordinance Pertaining to Eligibility for Health Insurance**
16 **Benefits for City Employees. (First Reading)**

17
18 Attorney White read the following ordinance by title only to be passed by council on first
19 reading:

20
21 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
22 **VIRGINIA, TO AMEND THE EMPLOYEE POLICY REGULATIONS OF THE CITY**
23 **BY IMPLEMENTING AND PROVIDING FOR COMPENSATORY TIME OFF IN LIEU**
24 **OF OVERTIME PAY FOR CITY EMPLOYEES. (FIRST READING)**

25
26 Councilperson Simms made a motion to accept and approve the employee policy ordinance,
27 seconded by Councilperson Saunders for discussion.

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

32
33 **Discussion and Approval of an Ordinance Amending Existing Rates for the Sanitary**
34 **Board. (First Reading)**

35
36 Attorney White read the Sanitary Board Rate Increase ordinance by title only to be passed by
37 council on first reading:

38
39
40 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
41 **VIRGINIA, AMENDING THE EXISTING RATE SCHEDULES FOR THE SANITARY**
42 **DEPARTMENT OF THE CITY OF MOUNDSVILLE. (FIRST READING)**

43
44 Councilperson Simms made a motion to accept and approve the Sanitary Board Rate Increase
45 ordinance, seconded by Councilperson Haynes.

46

1 Mayor Wood announced that Sanitary Board Attorney James Kelsh is on hand to answer any
2 question or explain the rate increase. Councilperson Saunders asked that Mr. Kelsh enlighten
3 them on the matter.

4
5 After Mr. Kelsh informed council members, Mayor Wood called for a voice vote. City Clerk
6 announced the following tally. Haynes, Saunders, Simms, Wallace, Mayor Wood, DeWitt
7 voting yea. Young voting nay. 6 yeas, 1 nay. Motion carried.

8
9 Manager Hendershot announced that second reading for this ordinance will be on August 4, 2009
10 same time as the WV Municipal League Conference. Councilperson Saunders moved to
11 reschedule council meeting to August 3, 2009 at 7:00 p.m., seconded by Councilperson DeWitt.

12
13 Mayor Wood called for a voice vote. City Clerk announced the following tally. Saunders,
14 Simms, Wallace, Young, Mayor Wood, DeWitt and Haynes. 7 yeas. Motion carried
15 unanimously.

16
17 **Discussion and Approval of Used Vehicle Bids.**

18
19 Bids were received on July 1, 2009 for the following city vehicles from A-1 Auto Parts,
20 Wheeling WV for a total amount of \$1158.00:

21

22	1. 2000 Ford Crown Victoria	\$256.00
23	2. 1998 Pontiac Transport Van	\$156.00
24	3. 1984 Chevrolet Blazer	\$256.00
25	4. 1991 Ford Dump Truck	\$412.00
26	5. 1984 Chevrolet Blazer	\$ 78.00

27
28 Councilperson Simms made a motion to accept the bid from A-1 Auto Parts in the amount of
29 \$1158.00, seconded by Councilperson Haynes.

30
31 Mayor Wood called for a voice vote. City Clerk announced the following tally. Simms,
32 Wallace, Young, Mayor Wood, DeWitt, Haynes and Saunders. 7 yeas. Motion carried
33 unanimously.

34
35
36

37 **Discussion and Approval of Garbage Truck Bids.**

38
39 A memo was presented to council from Street Commissioner Richmond expressing his
40 recommendation to accept the bid from WV-Ohio Motor Sales Inc for a Chassis & Heil Packer
41 in the amount \$175,922.00 without a trade in.

42
43 Councilperson Simms made a motion to accept the bid from WV-Ohio Motor Sales Inc in the
44 amount of \$175,922.00, seconded by Councilperson Haynes.

45
46 Mayor Wood called for a voice vote. City Clerk announced the following tally. Wallace,

1 Young, Mayor Wood, DeWitt, Haynes, Saunders and Simms. 7 yeas. Motion carried
2 unanimously.

3

4 **Appointment to the Moundsville Water Board. (Council's Appointment)**

5

6 The Moundsville Water Board submitted a letter requesting that Thomas Ferris be re-appointed
7 to the board. Also, Mr. Ferris submitted a letter expressing his interest to serve another term. A
8 third letter was submitted by Mr. William Gates showing his interest to serve on the board.

9

10 Councilperson Haynes made a motion to re-appoint Thomas Ferris to the Moundsville Water
11 Board, seconded by Councilperson Young.

12

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

15

16 **Discussion and Approval of a Resolution for the 2009-2010 Coal Severance Budget**
17 **Revision.**

18

19 Manager Hendershot reported that \$3000 was carried over from 2009 to 2010 in the Coal
20 Severance.

21

22 Councilperson Simms made a motion to approve the resolution for the 2009-2010 Coal
23 Severance Budget Revision, seconded by Councilperson Wallace.

24

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

27

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

29

30 Councilperson Simms asked Manager Hendershot about the Recreation grant. Manager
31 Hendershot reported that he provided that for council's information. He had been discussing this
32 grant with council and trying to maintain a match for the camp grounds. The alternative would
33 be that the property would remain part of the Parks & Recreation.

34

35 **MANAGER ITEMS:**

36

37 **Ribbon Cutting.**

38

39 Manager Hendershot, Councilperson DeWitt and Saunders attended the ribbon cutting at A Yarn
40 Among Friends on Jefferson Avenue.

41

42 **Feasibility Study for Sanford School.**

43

44 Manager Hendershot reported that council received information and read in newspapers of the
45 feasibility study on Sanford School. Manager Hendershot would like public input for the study.
46 Forms can be obtained at the City Building.

1 **Moundsville Police Department Training.**

2
3 A summary was provided to council from Police Chief Kudlak for 2403 hours of completed
4 training in the Police Department. Also PFC Baker & Sayman have completed their academy
5 training.

6
7 **PRO (Prevention Resource Officer).**

8
9 Manager Hendershot announced that Moundsville received a Recovery Act: Justice Assistance
10 Grant award for \$31,000. Funds will provide for a Prevention Resource Officers (PRO) at
11 Moundsville Middle School. Manager Hendershot thought since Moundsville already had a
12 PRO at the Middle School, this grant would relieve the city of the responsibility of the officer
13 that is shared with the Marshall County Board of Education. However, Chief Kudlak advised
14 Manager Hendershot that the grant provides for a fully funded position that has to be back filled
15 by the city.

16
17 Councilperson Young made a motion to send this matter to the Finance Committee, seconded by
18 Councilperson Simms.

19
20 Mayor Wood called for a voice vote. City Clerk announced the following tally. DeWitt,
21 Haynes, Saunders, Simms, Wallace, Young and Mayor Wood. 7 yeas. Motion carried
22 unanimously.

23
24 **Strand Theater Conservation Preservation Organization.**

25
26 Manager Hendershot was contacted by the Strand Preservation Organization asking that council
27 waive the permit fees on a \$200,000.00 air conditioning unit. The contractor would be paying
28 the B&O Tax.

29
30
31 Councilperson Saunders made a motion to waive the permit fees for the Strand Theater
32 Preservation Organization, seconded by Councilperson DeWitt.

33
34 Mayor Wood called for a voice vote. City Clerk announced the following tally. Haynes,
35 Saunders, Simms, Wallace, Young, Mayor Wood and DeWitt. 7 yeas. Motion carried
36 unanimously.

37
38 **MAYOR ITEMS:**

39
40 Mayor Wood commented on three items on his list that Manager Hendershot already answered.

41
42 **COMMITTEE REPORTS:**

43
44 **Discussion and Approval of Recommendations by the Finance Committee.**

45
46 Councilperson Wallace scheduled a finance meeting on July 14, 2009 at 5:00 p.m.

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

2
3 Councilperson Simms scheduled a traffic meeting following the finance meeting.

4
5 **Discussion and Approval of Recommendations by the Policy Committee.**

6
7 Mayor Wood scheduled a policy meeting following the traffic meeting.

8
9 **COUNCIL ITEMS:**

10
11 * **Simms** - Asked Councilperson Saunders what the response was from the Parks & Recreation
12 Board concerning the grass cutting contract. Councilperson Saunders commented that the Board
13 is going to look into hiring summer workers next year and using the city's equipment.

14
15 * Also has the Parks & Recreation Board looked at the budget to see if they were over before
16 giving raises. Councilperson Saunders commented that they did not. The Board figured the
17 funds would come from the pool and not effect anything else.

18
19 * Reported something needs done with the trailers at 1603 & 1605 Ruby Street. Fire Chief
20 Clarke commented that he has not received a work order on those properties yet. Manager
21 Hendershot advised Chief Clarke to move forward on those.

22
23 * **Wallace** - Reported the sign at the Riverfront Park located at the south end has been knocked
24 down & needs replaced. This sign reports the hours of the parks.

25
26 * Reported the weeds on 14th Street behind 84 Lumber need cut. Discussion was held as to
27 whether or not the responsibility was 84 Lumber or the City. Manager Hendershot thought it is
28 the responsibility of 84 Lumber. Police Chief Kudlak and Street Commissioner Richmond
29 commented that 84 Lumber dispute on that matter.

30
31 * Reported a problem with the traffic light at Rt.2 & Teletech Drive. Light does not stay green
32 for traffic coming on Lafayette Avenue. Manager Hendershot will report the problem to the
33 state.

34
35 * Commented that he agrees with the Baseball Association concerning the clean up of the Valley
36 Fork Baseball Fields and realizes the shortage in staff but the Beast of the East is a very large
37 tournament and things should have been addressed. Manager Hendershot commented that the
38 city was also dealing with flooded streets, alleys and residents basements.

39
40 * **Young** - Congratulated the officers who graduated from the police academy.

41
42 * Wished to thank Fire Chief Noel Clarke for his assistance in the NIMS training.

43
44 * Reported the area patched by the Water Department on Poplar Avenue has peeled up.

45
46

1 * **DeWitt** - Questioned why the curb painters painted red in front of Central School doors on 7th
2 Street and not by the fire hydrant. Fire Chief Clarke advised that the Fire Department connection
3 is at the right inside the doors.

4

5 * Asked when will council prioritize the remaining street on the paving list. Manager
6 Hendershot advised council can start working on the list in December/January.

7

8 * **Saunders** - Wished to thank both the City Fire Department and the Volunteer Fire Department
9 for helping at the Valley Fork baseball fields.

10

11 * Reported a drum located on Filbert Avenue where the sidewalk was tore up. Manager
12 Hendershot informed the Water Department.

13

14 * Reported a lot of holes on Fifth Street.

15

16 * Asked when the repair of Highland Avenue was going to begin. Manager Hendershot advised
17 they are waiting on Klug's to notify the city of their beginning date.

18

19 * **Haynes** - Reported a tree at 12th & Jefferson Avenue obstructing the view of while at the stop
20 sign looking east.

21

22 * Asked the Street Department to make signs for owners to clean up after their dogs in the area
23 of Parriott Avenue.

24

25 Manager Hendershot commented on the great fireworks provided by the city and also thanked
26 the Moundsville Street Department, Fire Department for their assistance for set up and clean up.

27

28 Councilperson Simms made a motion to adjourn, seconded by Councilperson Wallace. 7 yeas.
29 Motion carried unanimously.

30

31 Meeting adjourned at 8:35 p.m.

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Sondra J. Hewitt, City Clerk

David Wood, Mayor