

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**  
2 **AUGUST 24, 2010**

3  
4 The Council of the City of Moundsville met in regular session in the Council Chambers on  
5 August 24, 2010 at 7:00 p.m.

6  
7 Meeting was called to order by Mayor David Wood.

8  
9 Invocation was given by Councilperson Mark Simms.

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

16  
17 **MINUTES:**

18  
19 **Regular Council Meeting of August 10, 2010.**

20  
21 Councilperson Saunders made a correction on page 6 line 11 & 12 should read “..paving Fifth  
22 Street from Tomlinson Avenue to Grant Avenue,” seconded by Councilperson DeWitt. Motion  
23 carried unanimously.

24  
25 **GENERAL PUBLIC HEARING:**

26  
27 \* George Kachalo, 31 Fostoria Avenue, reported his neighbor leaving the motor run on his  
28 vehicle while his wife was pulling weeds, his wife had to go in the house the fumes were so bad.  
29 Mr. Kachalo also reported disabled vehicles in the rear of his neighbors property. He asked if the  
30 police could do something about these fumes and the vehicles.

31  
32 A section in the city code was discussed by council concerning noxious fumes and leaving a  
33 motor vehicle run unattended, which this matter would fall under. The code also states that all  
34 vehicles must have valid registration and inspection sticker or the owner may be cited.

35  
36 **OLD BUSINESS:**

37  
38 **Other Business to be Discussed by Council.**

39  
40 \* Councilperson DeWitt asked Manager Hendershot if the city received a report from the  
41 disability insurance in order for a police officer to be hired? Manager Hendershot reported the  
42 city has entered into the agreement with Commercial Insurance starting date is September 1,  
43 2010 at \$180.00 per month for 18 officers.

44  
45 \* Councilperson DeWitt asked if the properties in the FEMA Mitigation program are built up can  
46 something then be built on them? Manager Hendershot reported the contract states “for

1 perpetuity (for ever)” it would be the city’s property to maintain. The only way the city could  
2 build on the property was to raise from the floodplain to build a park or shelter of some kind.

3  
4 \* Councilperson Saunders questioned the letter from Mr. Kenneth Games concerning Sanford  
5 School. In the letter, Mr. Games was unhappy that FRN (Family Resource Network) was  
6 involved in the Sanford Center. Councilperson Saunders asked if he was correct is saying that  
7 FRN was involved? Manager Hendershot reported no more than other organizations that are  
8 assisting in the Sanford Center. Manager Hendershot also reported the Youth Center from the  
9 Methodist Church is not involved in the Sanford Center.

10  
11 \* Councilperson Young asked if anything was decided with hiring a Building Inspector?  
12 Manager Hendershot reported moving forward with general applications. Applicants will have  
13 to go through a testing process to make sure they can understand, comprehend and can explain  
14 codes.

15  
16 \* Councilperson DeWitt asked when council approved moving forward on the campsite at the  
17 Riverfront has there been any meetings. Manager Hendershot reported scheduling two Building  
18 Commission meetings but had to cancel for lack of quorum. Councilperson DeWitt questioned  
19 moving the campsite to the riverside by the new Water Treatment Plant. Manager Hendershot  
20 reported that Consol owns a portion of that property, the city owns where the Treatment Plant is  
21 located which is not accessible to the public because of the water wells. Councilperson DeWitt  
22 would like to see a couple more shelters and restroom facilities built. Manager Hendershot  
23 commented on that being a possibility which was not discussed.

24  
25 \* Councilperson Saunders reported the Parks & Recreation Board is asking council to consider  
26 abandoning the property behind 248 Curtis Avenue. A couple weeks ago a tree had fallen and the  
27 Street Department disposed of the tree. Councilperson Saunders suggested that council abandon  
28 that 10 feet area since the home owners, Mr. Connors & Mr. Phillips have been maintaining it.

29  
30 **NEW BUSINESS:**

31  
32 **Discussion and Approval of a Resolution to Approve Financing for the Lease Purchase of**  
33 **Four Used Crown Victoria Police Cruisers.**

34  
35 Councilperson Saunders moved to approve the resolution to approve financing for the lease  
36 purchase of four used Crown Victoria police Cruisers, seconded by Councilperson Simms.  
37 Motion carried unanimously.

38  
39 **Discussion and Approval of a Resolution Authorizing the City of Moundsville to Enter Into**  
40 **a Loan Agreement for the Lease Purchase of a 2010 Pelican Street Sweeper.**

41  
42  
43 Councilperson Simms moved to approve the resolution authorizing the City of Moundsville to  
44 enter into a loan agreement for the lease purchase of a Pelican street sweeper, seconded by  
45 Councilperson Saunders.

46

1 **Discussion and Approval of an Ordinance Pertaining to the Registration of Vacant**  
2 **Buildings in the City of Moundsville. (First Reading)**

3  
4 Attorney White read the following vacant building ordinance by title only to be passed by  
5 council on first reading:

6  
7 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
8 **VIRGINIA, ENACTING ARTICLE 1107 OF THE MUNICIPAL CODE OF THE CITY OF**  
9 **MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF AN ORDINANCE**  
10 **PROVIDING FOR REGISTRATION OF VACANT BUILDINGS AND**  
11 **UNINHABITABLE BUILDINGS, FEES, COLLECTION METHODS, LIENS AND**  
12 **PENALTIES FOR VIOLATIONS. (FIRST READING)**

13  
14 Councilperson Simms made a motion to accept and approve the vacant buildings ordinance,  
15 seconded by Councilperson DeWitt.

16  
17 Mayor Wood called for a voice vote. City Clerk announced the following tally. DeWitt, Mayor  
18 Wood, Young, Wallace, Simms and Saunders. 6 yeas. Motion carried unanimously.

19  
20 **Discussion and Approval of an Ordinance Pertaining to Building Abatement and**  
21 **Demolition. (First Reading)**

22  
23 Attorney White read the following abatement ordinance by title only to be passed by council on  
24 first reading:

25  
26 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
27 **VIRGINIA, AMENDING AND REENACTING ARTICLE 1105 OF THE MUNICIPAL**  
28 **COED OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE RE-ADOPTION,**  
29 **WITH AMENDMENTS, OR A BUILDING NUISANCE ABATEMENT AND**  
30 **DEMOLITION ORDINANCE. (FIRST READING)**

31  
32 Councilperson Saunders moved to accept and approve the abatement ordinance, seconded by  
33 Councilperson DeWitt.

34  
35 Mayor Wood called for a voice vote. City Clerk announced the following tally. Mayor Wood,  
36 Young, Wallace, Simms, Saunders and DeWitt. 6 yeas. Motion carried unanimously.

37  
38 **Discussion and Approval of an Ordinance Pertaining to Public Nuisances in the City of**  
39 **Moundsville. (First Reading)**

40  
41 Attorney White read the following nuisance ordinance by title only to be passed by council on  
42 first reading:

43  
44 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
45 **VIRGINIA, ENACTING ARTICLE 1103 OF THE MUNICIPAL CODE OF THE CITY OF**  
46 **MOUNDSVILLE TO PROHIBIT PUBLIC NUISANCES, AND PROVIDING FOR**

1 **ABATEMENT AND PENALTIES FOR VIOLATIONS. (FIRST READING)**

2  
3 Councilperson Saunders made a motion to accept and approve the nuisance ordinance, seconded  
4 by Councilperson DeWitt.

5  
6 Mayor Wood called for a voice vote. City Clerk announced the following tally. Young, Wallace,  
7 Simms, Saunders, DeWitt and Mayor Wood. 6 yeas. Motion carried unanimously.

8  
9 **Discussion and Approval of an Ordinance Pertaining to Junked Motor Vehicles. (First**  
10 **Reading)**

11  
12 Attorney White read the following junked vehicle ordinance by title only to be passed by council  
13 on first reading:

14  
15 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
16 **VIRGINIA, AMENDING AND REENACTING SECTION 519.01(d) OF THE**  
17 **MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE RELATING TO THE**  
18 **DEFINITION OF A JUNKED MOTOR VEHICLE. (FIRST READING)**

19  
20 Councilperson Saunders moved to accept and approve the junked motor vehicle ordinance,  
21 seconded by Councilperson Wallace for discussion. Councilperson Wallace asked if the  
22 ordinance includes “or proper inspection”? Attorney White advised the ordinance contains “or”.  
23

24 Mayor Wood called for a voice vote. City Clerk announced the following tally. Wallace, Simms,  
25 Saunders, DeWitt, Mayor Wood and Young. 6 yeas. Motion carried unanimously.

26  
27 **Discussion and Approval of an Ordinance Pertaining to Employee City Health Insurance**  
28 **Coverage. (First Reading)**

29  
30 Attorney White read the following health insurance coverage ordinance by title only to be passed  
31 by council on first reading:

32  
33 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
34 **VIRGINIA, AMENDING AND REENACTING A PART OF SECTION 155.06 OF THE**  
35 **EMPLOYEE REGULATIONS IN THE CITY CODE OF MOUNDSVILLE TO PROVIDE**  
36 **FOR OPTING OUT OF CITY HEALTH INSURANCE COVERAGE. (FIRST READING)**

37  
38 Councilperson Simms made a motion to accept and approve the above ordinance, seconded by  
39 Councilperson Saunders.

40  
41 Mayor Wood called for a voice vote. City Clerk announced the following tally. Simms,  
42 Saunders, DeWitt, Mayor Wood, Young and Wallace. 6 yeas. Motion carried unanimously.

43  
44 **Discussion and Approval of a Memorandum of Understanding Between the City of**  
45 **Moundsville and the Marshall County Commission Concerning FEMA Mitigation**  
46 **Acquisition and Buyout Program Management and Open Space Agreement.**

1  
2 Councilperson Simms made a motion to approve the Memorandum of Understanding between  
3 the City of Moundsville and Marshall County Commission, seconded by Councilperson DeWitt.

4  
5 Mayor Wood called for a voice vote. City Clerk announced the following tally. Saunders,  
6 DeWitt, Young, Wallace and Simms voting yea. Mayor Wood voting nay. 5 yeas, 1 nay. Motion  
7 carried.

8  
9 **MANAGER ITEMS:**

10  
11 **Vacant Structures.**

12  
13 Manager Hendershot received a memo from Chief Clarke on vacant structures. They have been  
14 working on 38 structures in Moundsville and are tracking these structures on a dry erase board  
15 located in the Fire Department. The board is color coded to show what step in the process they  
16 are. Chief Clarke invites anyone to look at the board.

17  
18 **Energy Efficiency Conservation Block Grant.**

19  
20 Manager Hendershot has asked council to approve a resolution for the \$52,000 Energy  
21 Efficiency Conservation Block Grant that must be submitted with the application by Belomar to  
22 the DEP.

23  
24 Councilperson Simms moved to approve a resolution for the Energy Efficiency Conservation  
25 Block Grant, seconded by Councilperson Young.

26  
27 Mayor Wood called for a voice vote. City Clerk announced the following tally. Saunders,  
28 DeWitt, Mayor Wood, Young, Wallace and Simms. 6 yeas. Motion carried unanimously.

29  
30 **Annual Marshall County Chamber of Commerce Dinner.**

31  
32 Manager Hendershot reported the Marshall County Chamber of Commerce Dinner will be held  
33 on Wednesday, September 29, 2010 at 5:30 and dinner at 6:00 p.m., at the Moundsville Training  
34 Center. Any council member wishing to attend can contact Marilyn.

35  
36 **Fostoria Project Update.**

37  
38 The City of Moundsville signed a Certificate of Substantial Completion for the Asbestos  
39 Abatement of the former Fostoria Glass Plant. A majority of the abatement is complete for the  
40 grant side of the site.

41  
42 **Business After Hours.**

43  
44 The Marshall County Business After Hours will be held on Thursday, August 23, 2010 at Grand  
45 Vue Park, co-sponsors are Peggies Posey and Marshall County Commission.

46

1 **Other Items to be Discussed by Manager.**

2  
3 Manager Hendershot spoke with a vendor, Utility Service Partners Inc, at the WV Municipal  
4 League that provides appliance rentals for high efficiency hot water heaters and furnaces that  
5 would save the public money. They provide a service line warranty for a minimal cost.

6  
7 Council asked Manager Hendershot to schedule them for a presentation at the next Finance  
8 Committee meeting.

9  
10 **MAYOR ITEMS:**

11  
12 \* Mayor Wood asked if Manager Hendershot obtained a figure of the savings from the Police  
13 and Fire Pensions? Manger Hendershot reported a savings of \$353,000 last year and will be  
14 similar saving for next year.

15  
16 \* Mayor Wood reported that Phil Remke organized a meeting scheduled at John Marshall High  
17 School on September 27, 2010 at 6:30 p.m. in room 240 concerning signage from the Highlands  
18 and Pittsburgh south.

19  
20 \* Mayor Wood reported that Paul Kirby of the MEDC requested the city to cut weeds in the old  
21 barracks.

22  
23 \* Mayor Wood reported high grass at 2010 Second Street. Also, house behind Grisell's at the  
24 corner of Fourth Street & Baker Avenue.

25  
26 \* Mayor Wood asked to schedule Cassie Finley on the Finance Committee agenda on September  
27 14, 2010.

28  
29 \* Mayor Wood asked if Manager Hendershot was able to look at the alley that runs from the  
30 Eagles to Morton Avenue and runs along 120 Morton Avenue? Manager Hendershot reported  
31 that the Street Department grated and graveled it several times. He does not believe the alley  
32 should be closed.

33  
34 \* Mayor Wood commented that council approved paving streets but asked if the paving will be  
35 done before spring of 2011. Manager Hendershot reported they hope to have bids back to  
36 council by first meeting in September.

37  
38 **COMMITTEE REPORTS:**

39  
40 **Discussion and Approval of Recommendations by the Finance Committee.**

41  
42 No quorum present for the Finance Committee meeting.

43  
44  
45  
46

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

2  
3 1. Discussion of a Request for Street Light behind 1531 Eighth Street. Committee recommends  
4 to proceed with the installation on existing pole.

5  
6 Councilperson Simms made a motion to proceed with installation on street light at 1531 Eighth  
7 Street, seconded by Councilperson Saunders. Motion carried unanimously.

8  
9 2. Discussion of Request Concerning Drainage Problem between 194 & 199 South Highland  
10 Avenue. Committee recommends to proceed with grading, ditching, pipe and inlet installation at  
11 a cost of \$9,500.

12  
13 Councilperson Simms made a motion to proceed with the grading, ditching, pipe and inlet for  
14 drainage problem between 194 and 199 South Highland Avenue, seconded by Councilperson  
15 Saunders. Motion carried unanimously.

16  
17 3. Richard Rickrode, 122 Morton Avenue attended meeting asking for a “One Way - No Thru  
18 Traffic” sign on Morton Avenue between First Street & Second Street.

19  
20 Councilperson Simm made a motion to install a “One Way - No Thru Traffic” sign on Morton  
21 Avenue between First Street & Second Street. Motion died for lack of second. Motion failed.

22  
23 **Discussion and Approval of Recommendations by the Policy Committee.**

24  
25 All ordinances were on the agenda under new business.

26  
27 **Legal Advertisements by Attorney White.**

28  
29 Attorney White submitted several legal advertisements published in the Moundsville Daily Echo  
30 to be received and filed by council:

- 31  
32 1. Candidate Filing for General Election  
33 2. Ordinance Concerning the Municipal Election  
34 3. Zone Change for 912 Seventh Street  
35 4. Zone Change for 20 Drummond Street  
36 5. Bids for 4 Used Police Cruisers

37  
38 Councilperson Simms moved to receive and file the legal ads, seconded by Councilperson  
39 Wallace. Motion carried unanimously.

40  
41 **COUNCIL ITEMS:**

42  
43 \* **Simms** - Nothing at this time.

44  
45 \* **Wallace** - Reported pot holes on Thompson Avenue between 10<sup>th</sup> & 15<sup>th</sup> Street.

46

1 \* **Young** - Wishes Councilperson Haynes speedy recovery.  
2  
3 \* Reported a large hole on Jefferson Extension right before the “S” bridge.  
4  
5 \* **DeWitt** - Asked where the truck companies are getting the water from and where are they  
6 dumping the contaminated water obtained from the drilling sites? Manager Hendershot  
7 responded that companies can draft from the creeks and rivers, but can not dump. There are a  
8 couple local sites that take the water to recycle.  
9  
10 \* **Saunders** - Asked if the city is charging the truck companies for the water they use? Manager  
11 Hendershot reported only if the water is being provided through the city’s water system. They  
12 are drafting from the creeks and river. Moundsville is not supply them with water.  
13  
14 \* Reported the house on Curtis Avenue is being torn down.  
15  
16 \* Reported the Skateboard Committee has sold 100 bricks and the Parks & Recreation Board has  
17 recommended laying the bricks on the walkway toward the playground. The committee will be  
18 applying for grants hoping to get \$165,000 for the project.  
19  
20 \* Asked who provided the landscaping bricks along the sidewalk at the 12<sup>th</sup> Street project?  
21 Manager Hendershot reported the city purchased a portion that faces the sidewalk and the home  
22 owner purchased matching brick for their yard.  
23  
24 \* Reported residents complaining about the dumpster at Sanford Center. Manager Hendershot  
25 will take care of the dumpster.  
26  
27 Councilperson Saunders made a motion to adjourn, seconded by Councilperson DeWitt. Motion  
28 carried unanimously.  
29  
30 Meeting adjourned at 8:40 p.m.

31  
32  
33  
34  
35 \_\_\_\_\_  
Sondra J Hewitt, City Clerk

\_\_\_\_\_

David Wood, Mayor