

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **OCTOBER 16, 2018**

3
4 The Council of the City of Moundsville met in regular session in the Council Chambers on
5 October 16, 2018 at 7:00 pm.

6
7 Meeting was called to order by Mayor Allen R Hendershot, who also provided an invocation.

8
9 Acting City Clerk Ankrom called the roll and the following Councilpersons were in attendance:
10 DeWitt, Haynes, Hunt, Saunders, Wood, and Mayor Hendershot. Absent was Vice Mayor
11 Remke. Also present were Interim City Manager Hewitt, Recreation Director Coville, Public
12 Works Director Stocklask, Assistant Fire Chief Kimple, Police Chief Mitchell, Building
13 Inspector Richmond, CPA Goddard, Attorney White, and Acting Clerk Ankrom.

14
15 **MINUTES:**

16 **Regular Council Meeting of October 2, 2018**

17 It was noted that the Meeting Agenda incorrectly listed minutes from the September 18, 2018
18 Regular Meeting. Councilwoman Dewitt made a motion to accept as presented the minutes from
19 the October 2, 2018 Regular Council meeting. Motion was seconded by Councilman Haynes
20 and carried unanimously.

21
22 **GENERAL PUBLIC HEARING:**

23 **Carl Boso – Issues Going on in the City**

24 H Carl Boso of 305 10th Street again questioned the abrupt retirement of former City Manager
25 Deanna J Hess. Mr. Boso is convinced that “secret meetings” were held and matters were not
26 handled appropriately. Mayor Hendershot explained that, if a quorum of Council is not present,
27 it is not an official meeting; and issues addressed in Executive Session cannot be discussed
28 publicly. Mrs. Boso asked Council to confirm whether Sara Wood was going to be appointed as
29 City Manager. This is an unsubstantiated rumor.

30
31 Mr. Boso is still upset that veterinarian Debby Shondrick was not permitted to put a campground
32 on her Lockwood Avenue property; however, City officials moved forward with developing the
33 campground at Riverfront Park.

34
35 Mr. Boso again questioned the two campers existing in Varlas’ Trailer Park. Inspector Richmond
36 explained the Moundsville Planning Commission will be looking at this issue, to provide
37 clarification on some details.

38
39 Mr. Boso feels that other towing companies in Moundsville are being shown favoritism, because
40 their vehicles are not being tagged when parked on the street, but his are.

41
42 David Voithofer, Manager of the Marshall County Co-Op, invited Fire and Police Department
43 officials and Council members, along with their spouses, to an event at the Co-Op next Tuesday.
44 There will be private tours of the property, free food, and a guest speaker. Attendees were asked
45 to RSVP by Friday.

1 Mr. Voithofer also explained that he attended the Stormwater Utility Board last night to discuss
2 runoff from 11th Street which continues to damage the Co-Op parking lot. Engineer Jack Tush
3 was supposed to view the area today; and Inspector Richmond, along with Director Stocklask,
4 will look at the problem as well. The Co-Op Board has approved a million dollar expansion
5 project, and Mr. Voithofer wants to get this problem corrected before paving the parking lot.
6 Councilman Saunders made a motion to discuss the water runoff problem at the November
7 Traffic Committee meeting. Motion was seconded by Councilman Haynes and carried
8 unanimously.

9
10 Jane Klug of 2015 Jackson Street, expressed concern about the detour onto Pine Avenue, due to
11 water line work on 1st Street. Mayor Hendershot explained that the water line project is taking
12 longer than expected due to inclement weather, as well as WVDOH regulations prohibiting water
13 meters in the right-of-way. Mayor Hendershot assured that Pine Avenue will be repaired after
14 the water line project is complete.

15
16 Ms Klug, representing Friends of Moundsville Parks & Recreation, informed that an Adult Swim
17 Dance will be held at 4 Seasons Pool on October 25, 2018. Previous swim dances have provided
18 funds to help with the purchase of new sinks for the Pool.

19
20 Ms Klug also informed that Carol Lilley, a holistic practitioner, will be at Uniquely Yours on
21 November 8, 2018 at 11:00 am.

22
23 No one else wished to address Council.

24
25 **OLD BUSINESS:**

26 **Other Items to be Discussed by Council**

27 *Councilwoman Dewitt asked about the fire hydrant at Ruby Street and Garfield Avenue. Interim
28 Manager Hewitt will check on progress, as Water Superintendent Woods and Assistant
29 Superintendent Roberts both confirmed there have been prior leakage issues at this hydrant.

30
31 *Councilman Wood asked about the gray house at the corner of Pine Avenue and Center Street.
32 This has been an ongoing problem with high grass and a dilapidated porch. Interim Manager
33 Hewitt confirmed there is someone living there.

34
35 *Councilman Wood made a motion to discuss, at the November Finance Committee,
36 improvements to be financed by the Capital Improvement Account. Motion was seconded by
37 Councilwoman Dewitt and carried unanimously.

38
39 *Councilman Wood asked about status of the Sanitation Committee. Attorney White has not yet
40 researched the details.

41
42 *Councilman Haynes asked about the Elm Avenue Bridge Inspection Report; copies of the latest
43 report will be provided. The girders are deteriorated and mortar continues to fall off.

44
45 *Councilman Haynes asked whether anyone has approached Gold, Khourey, & Turak about

1 purchasing the former Elks property. Interim Manager Hewitt will make contact.

2
3 *Councilwoman Hunt asked about capital improvement funds allocated for the Police
4 Department; CPA Goddard confirmed that \$50,000.00 was approved in the 2018-2019 Fiscal
5 Year Budget.

6
7 *Councilman Saunders commented that water runoff from Highland Heights is still causing
8 problems. Interim Manager Hewitt will coordinate officials to review the area.

9
10 **NEW BUSINESS:**

11 **A) Discussion and Approval of an Ordinance Prohibiting the Drilling Into and Extraction**
12 **of Groundwater Within the Restricted Use Area (901 Lafayette Avenue) (First Reading)**

13
14 Attorney White read the ordinance by title only:

15 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
16 **VIRGINIA, CREATING AND ENACTING SECTION 1381.21(b) OF THE MUNICIPAL**
17 **CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR A RESTRICTED USE**
18 **AREA IN THE CITY OF MOUNDSVILLE FOR THE PURPOSE OF PROHIBITING**
19 **THE DRILLING INTO AND THE EXTRACTION OF GROUNDWATER WITHIN SAID**
20 **RESTRICTED USE AREA (FIRST READING)**

21
22 Councilman Saunders made a motion to approve the ordinance on first reading, which was
23 seconded by Councilman Wood. Attorney White explained there were “tweaks” to the language
24 of the ordinance, and the restricted area was reduced to 8th to 10th Streets, from Lafayette to
25 Lockwood Avenues. Mayor Hendershot asked for a roll call vote, to which Acting Clerk Ankrom
26 announced the following tally: six yeas. Motion carried unanimously.

27
28 **B) Discussion and Approval of an Ordinance to Permit Family Dwelling Units on the**
29 **Second and Third Floors of Business Districts (First Reading)**

30
31 Attorney White read the ordinance by title only:

32 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING**
33 **TO PERMIT MIXED BUSINESS AND RESIDENTIAL USES IN C-2 (HISTORIC AND**
34 **NEIGHBORHOOD COMMERCIAL DISTRICTS) AS CONDITIONAL USES**
35 **PURSUANT TO THE MOUNDSVILLE ZONING CODE (FIRST READING)**

36
37 Councilman Wood made a motion to approve the ordinance on first reading, which was seconded
38 by Councilwoman Hunt. Attorney White explained this simply permits the same Conditional
39 Uses that were included in the former Zoning Code. Mayor Hendershot asked for a roll call vote,
40 to which Acting Clerk Ankrom announced the following tally: six yeas. Motion carried
41 unanimously.

42
43 **C) Discussion and Approval of an Ordinance Implementing a Program to Charge**
44 **Mitigation Rates (First Reading)**

45 Attorney White read the ordinance by title only:

1 **AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO**
2 **CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND**
3 **NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES**
4 **PROVIDED/RENDERED FOR THE CITY OF MOUNDSVILLE (FIRST READING)**

5
6 Attorney White explained that he did not draft this ordinance, as it was provided by Fire Chief
7 Brandon. There are no rates included in the ordinance, and the 1.5% annual percentage increase,
8 based on the Consumer Price Index, is not normal procedure. Councilwoman Dewitt made a
9 motion to table the ordinance for more discussion at the November Policy Committee. Motion
10 was seconded by Councilman Haynes and carried unanimously. Attorney White will obtain more
11 information from Chief Brandon.

12
13 **Discussion and Award of Phase III Paving Bids**

14 Interim Manager Hewitt informed that the paving will not be completed this year, however, the
15 cost of \$101,063.00 will be honored in 2019. Councilman Saunders made the motion to accept
16 the only bid, from Klug Bros Inc, for the Phase III paving project. Motion was seconded by
17 Councilwoman Dewitt and carried unanimously.

18
19 **Discussion and Approval of Garbage Truck Bids**

20 Discussion was broached on whether the oldest City garbage trucks have any trade-in value, and
21 whether there is a discount, from any of the bidders, if two trucks are purchased. Interim
22 Manager Hewitt stated that the two existing 2016 garbage trucks still have loans; however, the
23 2007 and 2009 trucks are paid off and can be traded.

24
25 Four bids were received: Hill International Trucks Inc of Wheeling bid \$174,900.00 for a 2019
26 International Conventional Cab, but this does not meet bid specifications. Hunter Truck Sales of
27 Smithfield, Pennsylvania bid \$196,231.00 for a 2020 Peterbilt Model 520 with leach packer
28 body; \$190,422.00 for a 2019 Peterbilt Model 367 with conventional truck, which does not meet
29 specifications; and \$208,831.00 for a 2020 Peterbilt Model 520 with Cobra Packer. Mayor
30 Hendershot made a motion to table the bids, but it died for the lack of a second. The lowest bid
31 does not meet bid specifications. CPA Goddard noted that the 2020 Peterbilt Model 520 with
32 leach packer body includes a \$23,000.00 trade-in value.

33
34 Councilman Haynes made a motion to accept the bid of one 2020 Peterbilt Model 520 with leach
35 packer body. Motion was seconded by Councilman Saunders. After discussion, and guidance
36 from Attorney White, Councilman Haynes withdrew his motion, and Councilman Saunders
37 withdrew his second.

38
39 Councilwoman Dewitt then made a motion to table acceptance of the bids and discuss, at the
40 November Finance Committee, bidding two trucks. Motion was seconded by Councilman Wood
41 and carried unanimously.

42
43 **Receive and File Moundsville Police Pension & Relief Fund Statement of Accounts**

44 Councilwoman Hunt made the motion to receive and file the Moundsville Police Pension and
45 Relief Fund June 30, 2018 Statement of Accounts. Motion was seconded by Councilwoman

1 Dewitt and carried unanimously.

2
3 **Receive and File Moundsville Fire Pension & Relief Fund Statement of Accounts**

4 Councilwoman Dewitt made a motion to receive and file the Moundsville Fire Pension and Relief
5 Fund June 30, 2018 Statement of Accounts. Motion was seconded by Councilwoman Hunt and
6 carried unanimously.

7
8 **Discussion and Approval of a Resolution Supporting Home Rule as a Permanent Program**

9 Mayor Hendershot read the Resolution supporting Home Rule as a permanent program.
10 Councilman Haynes made a motion to endorse the Resolution supporting a permanent Home
11 Rule program in West Virginia. Motion was seconded by Councilman Saunders and carried
12 unanimously. A copy of the signed Resolution will be sent to the West Virginia Municipal
13 League.

14
15 **Discussion and Approval of a Resolution Proclaiming November 18-24, 2018 as Christian
16 Heritage Week**

17 Mayor Hendershot read the Proclamation for Christian Heritage Week to be held November 18-
18 24, 2018. Councilman Saunders made a motion proclaiming Christian Heritage Week, which
19 was seconded by Councilwoman Hunt and carried unanimously.

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

22 *Councilwoman Hunt stated that the Appalachian Outreach fundraiser was very successful!
23 Thank you to everyone who supported the organization! The Pumpkin Festival at Riverfront
24 Park, held that same day, was also very nice!

25
26 *Councilwoman Dewitt made a motion to discuss, at the November Finance Committee, the
27 purchase of a new PA system for the Council Chambers. Motion was seconded by
28 Councilwoman Hunt and carried unanimously.

29
30 *Councilwoman Dewitt reminded everyone of the \$20.00 entry fee for the Marshall County
31 Chamber of Commerce Christmas Parade. Applications for entries should be submitted to
32 Chamber Executive Director Scott Reager.

33
34 *Councilman Wood asked about the quarterly Municipal Sales Tax distribution. Interim
35 Manager Hewitt informed the distribution will be \$489,844.78; and CPA Goddard confirmed this
36 is \$10,000.00 more than the last quarterly distribution.

37
38 **CONSIDER MANAGER ITEMS:**

39 Interim Manager Hewitt reminded that the Chamber of Commerce Business After Hours will be
40 held at Bordas and Bordas on October 18, 2018 from 5:00 to 7:00 PM, with Figaretti's catering.

41
42 Interim Manager Hewitt informed that Secretary Kaufman found a copy of the 1970s version of
43 the Citizen's Handbook, and copies will be provided for the November Committee meeting.

44
45 Interim Manager Hewitt asked that she be notified by anyone wanting to enter the Christmas

1 Parade, as she has applications that need returned by November 9, 2018.

2
3 Interim Manager Hewitt stated that today's meeting with PTTG was very informative.

4
5 **CONSIDER MAYOR ITEMS:**

6 Mayor Hendershot attended the Marshall County Chamber of Commerce dinner, which was
7 "okay."

8
9 Mayor Hendershot asked that the financial statement compilation continue to move forward,
10 even though the Request for Extension paperwork has not yet been received from the auditor.
11 This should be included on the next Council Agenda.

12
13 **CONSIDER COMMITTEE REPORTS:**

14 **Discussion of Recommendations by the Traffic Committee.**

15 Councilman Saunders reviewed the minutes from the Traffic Committee meeting, which
16 included water runoff at the former prison farm barn, Phase III paving, parking meter issues on
17 3rd Street, and transportation for seniors.

18
19 **Discussion of Recommendations by the Finance Committee.**

20 Councilman Wood reviewed the minutes from the Finance Committee meeting, which included
21 hiring a CPA firm for year-end financial statement preparation, discussion of September financial
22 summary, computer upgrade costs, grant application opportunities, charging for first responder
23 calls, and purchasing vacant land.

24
25 CPA Goddard informed that Shelly Thomas from WesBanco would like to make a presentation
26 to the Finance Committee about credit card processing and general banking services.

27
28 Interim Manager Hewitt has talked to Katie Dantrassy about the grant opportunities.

29
30 Interim Manager Hewitt signed the contract, with Mountaineer Computers Systems, for software
31 and hardware upgrades. Councilman Wood made a motion to discuss, at the next Council
32 meeting, approval of the additional expenditures for hardware upgrades. Motion was seconded
33 by Councilwoman Hunt and carried unanimously.

34
35 **Discussion of Recommendations by the Policy Committee.**

36 No action was taken by the Policy Committee, as the only member present was Councilwoman
37 Dewitt. However, Resolutions for the Home Rule Program and Christian Heritage Week were
38 approved.

39
40 **CONSIDER COUNCIL ITEMS**

41
42 ***Dewitt** – Informed that her father, Sam Parker, while employed in the Public Works
43 Department, dug a ditch around the girls' softball fields; therefore, it is not a tributary, as was
44 previously discussed.

45

1 *Asked about the sunken area, at the Jefferson Avenue intersection with 12th Street. Director
2 Stocklask has repaired that spot several times this year, even though it is the State's responsibility
3 to maintain. Director Stocklask will contact the DOH for further repair.

4
5 Mayor Hendershot informed that the Grave Creek channel inspection will be this Friday at 9:00
6 am.

7
8 Councilwoman Dewitt made a motion to receive and file legal ads, as presented by Attorney
9 White:

10 Sept 27, Oct 4 Ordinance Violation 120 Poplar Avenue

11 October 5 Bids/Street Improvements

12 October 8 Bids/Refuse Truck

13 Motion was seconded by Councilwoman Hunt and carried unanimously.

14
15 ***Hunt** – Again noted the bottom of Cherokee Hills, at the entrance from the Jefferson Avenue
16 Extension, is in bad shape. Director Stocklask has been maintaining that section of street, which
17 needs to be milled and paved.

18
19 *Has received complaints about a sunken drain at Cherokee Drive and Sandy Avenue. Interim
20 Manager Hewitt will have Engineer Tush and Sanitary Superintendent Bonar look at this.

21
22 ***Saunders** – Asked about status of security cameras. Director Coville has met with two
23 companies, but has to add some information, as requested by Vice Mayor Remke.

24
25 *Asked about an alley between 2nd Street and Cedar Avenue. Director Stocklask stated that it
26 has not been abandoned; however, the garbage trucks do not run through that alley.

27
28 *Asked Interim Manager Hewitt to request patching in the parking lot where Ked's Ace
29 Hardware and Hudson Fitness are located. The State voluntarily paved part of the drive, off the
30 Jefferson Avenue Extension, up to the plaza, which was a significant improvement.

31
32 *Asked about the bridges. Information has been sent to Charleston for the agreement. Director
33 Stocklask noticed that the Fostoria Avenue bridge was recently inspected. Perhaps some
34 information will come from the regional meeting, to be held this week.

35
36 Councilman Haynes made the motion to adjourn, which was seconded by Councilwoman Dewitt;
37 meeting adjourned at 8:42 PM.

38
39
40
41
42
43
44
45 _____
Karen L Ankrom, Acting City Clerk

Allen R Hendershot, Mayor