

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

The Council of the City of Moundsville met in regular session in the Council Chambers on September 1, 2009 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by Councilperson Mark Simms.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, Haynes, Saunders, Simms, Wallace, Young and Mayor Wood. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Foreman Stocklask, Building Inspectors Wise & Watson, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of August 18, 2009.

Councilperson Saunders made a motion to accept and approve the minutes of the regular council meeting of August 18, 2009, seconded by Councilperson Haynes. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Mike Drosieko, Marshall County Tourism Director introduced himself to council and expressed his interest in bringing new & exciting things to Marshall County as the Tourism Director.

* Alan Yoho, 1104½ Fifth Street, complained of a commercial dumpster at 401 Grant Avenue. Mr. Yoho does not feel the dumpster should be in a residential neighborhood.

Manager Hendershot reported to council the dumpster was removed, but later returned when the proper paper work was completed. The city's code does not address dumpsters in residential neighborhoods. However, if there is debris in the alley or outside of the dumpster, the city will take measures to have the resident clean up the area.

* Brenda Purdy, 1404 Third Street, complained to council about 1403 & 1405 Third Street, Ralph Taylor's properties. Ms. Purdy reported the properties being full of trash inside and outside, the grass is very high and complains of rats at the property. Also she reported kids running in & out of the house.

* Steve Girko, 9300 Cedar River Road, NC, representing Newport Steel and working together with the Wheeling Area Chamber of Commerce to invite council to attend a discussion of the

climate change and energy legislation being debated in the Congress.

OLD BUSINESS:

Discussion and Approval of a Floodplain Ordinance for the City of Moundsville. (Second Reading)

Attorney White read the following ordinance by title only to be passed by council on second reading:

AN ORDINANCE ESTABLISHING A FLOODPLAIN AREA AND REQUIRING ALL CONTRACTORS, PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATION TO OBTAIN A PERMIT FOR DEVELOPMENT AND THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT, OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOODPLAIN AREA AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS; AND ESTABLISHING PENALTIES FOR ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE. (SECOND READING)

Attorney White noted that minor amendments were made on page 30 of the ordinance concerning the Floodplain Determination fee of \$20.00 (was \$200.00).

Councilperson Saunders made a motion to amend the Floodplain Ordinance, seconded by Councilperson Haynes.

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

Councilperson Simms made a motion to approve the Floodplain Ordinance as amended, seconded by Councilperson Saunders.

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

Other Items to be Discussed by Council.

* Councilperson Simms asked if RAZE were back on the job at the Fostoria property? Manager Hendershot reported that Mr. Games expected work to resume but he was not sure how soon.

* Councilperson DeWitt asked if Klug Brothers have been contacted to raise the manhole covers on Garfield Street? Manager Hendershot checked the manholes on Park Street and reported that 10% of the paving fee is withheld until the job is complete.

* Councilperson DeWitt asked if the weeds could be cut along McKinley from 9th Street to 12th Street. Manager Hendershot reported thinking the property is the Fairgrounds. Also, discussion was held on the alley being open from Garfield Street to McKinley. Manager Hendershot reported the engineer having notes on the discussion of the alley being opened.

* Councilperson Saunders asked what the procedure is for assessing the vacant & dilapidated houses because he thought that building inspectors should be the first to receive the complaints. Mayor Wood suggested the chain of command, in which the complaints are given to the City Manager who will distribute them as he sees fit. Manager Hendershot reported involving the Fire Chief was a way to expedite the process of summoning the property owner to court.

* Councilperson DeWitt asked if Manager Hendershot spoke with District Engineer Whipp concerning the sinking hole in middle of the lot near 13th Street. Manager Hendershot advised that he did speak with Mr. Whipp, who reported having a priority list that DOH is working from.

NEW BUSINESS:

Discussion and approval of Paving Bid for Third Street from Jefferson Avenue to Grant Avenue.

Manager Hendershot reported that Klug Brothers have agreed to abide by the bid they submitted several months ago in the amount of \$68,000. Klug's are also aware the city will not have the funds for several months.

Councilperson Simms made a motion to approve the paving bid for Third Street from Jefferson Avenue to Grant Avenue in the amount of \$68,000, seconded by Councilperson Saunders.

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

Appointment to the Moundville Zoning Appeals Board. (Council's Appointment)

Manager Hendershot announced that Dwight Cunningham submitted a letter asking to be re-appointed to the Zoning Appeals Board.

Councilperson Simms made motion to appoint Dwight Cunningham to the Zoning Appeals Board, seconded by Councilperson Saunders.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Young,

Mayor Wood, DeWitt, Haynes, Saunders, Simms and Wallace. 7 yeas. Motion carried unanimously.

Discussion and Approval of a Resolution to Enter Into a Grant Contract for the Public Works Building.

Councilperson Simms made a motion to approve the grant contract in the amount of \$10,000 for a Public Works building, seconded by Councilperson Saunders.

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

Discussion and Approval of a Resolution to Enter Into a Grant Contract to City Hall for Upgrades to Restrooms & Council Chambers.

Councilperson Simms made a motion to approve the grant contract in the amount of \$10,000 for upgrades to the restrooms & council chambers, seconded by Councilperson Young.

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

Discussion and Approval of a Resolution to Enter Into a Grant Contract to the City Clerk's Office for Computer Upgrades.

Councilperson Saunders made a motion to approve the grant contract in the amount of \$8,000 for computer equipment in the City Clerk's Office, seconded by Councilperson Haynes.

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

Discussion and Approval Authorizing the City Manager to Enter Into a Loan Agreement to Purchase a 2010 Crown Victoria for the Police Department.

Councilperson Saunders made a motion to authorize the City Manager to enter into a loan agreement to purchase a 2010 Crown Victoria for the Police Department, seconded by Councilperson Haynes.

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

Other Items to be Discussed by Council.

* Councilperson Saunders reported that he reviewed the parking problem at Central School on the Tomlinson Avenue side of the school and found that teachers are parking in the area designated for child “drop off & pick up”. Also, court house employees are parking in the handicapped spaces on Tomlinson Avenue designated for visitors.

Manager Hendershot asked that council refer this matter to the Traffic Committee because the city’s ordinance may need addressed before making any changes.

* Councilperson Saunders asked if the traffic light at Fifth Street & Jefferson Avenue are ready to be taken down? Manager Hendershot reported that DOH did not want to remove the light at the beginning of school so that school kids & drivers can get used to the situation.

* Councilperson Saunders spoke again concerning the parking at Central School located on Tomlinson Avenue used to pick up & drop off children stating that a dangerous situation has been created by allowing parking along the school. Since vehicles are parked along that area, parents are double parking to pick up the children which could involve a child being hit.

Manager Hendershot suggested placing this matter on the Traffic Committee agenda also.

MANAGER ITEMS:

Appointment to the Moundsville Firefighters Civil Service Commission. (Firefighters Appointment)

The Moundsville Firefighters Association #543 has selected Mr. Chadron Cline to serve on the Moundsville Firefighters Civil Service Commission.

Annual Marshall County Chamber of Commerce Dinner.

The Marshall County Chamber of Commerce Annual Dinner will be September 30, 2009, social hour at 5:30 p.m. and dinner at 6:30 p.m. The dinner will be held at the Moundsville Center (former WV Penitentiary). Featured speaker is Mr. Michael G. Morris, Chairman, President & Chief Executive Officer of American Electric Power.

Municipal Pension Relief Summary.

Fire Chief Clarke provided City Manager Hendershot with a summary of proposed legislation for municipal pension relief. Legislation proposes new hires would go into new state retirement system administered by WV Consolidated Public Retirement Board; old plans would be re-amortized over 40 year period, municipalities contribution rates based on actuary’s recommendation; old plan benefits, employee’s contributions & COLA’s would remain the same.

New Flood Plain Ordinance.

Manager Hendershot reported the new floodplain ordinance must be submitted to FEMA by September 25, 2009.

MAYOR ITEMS:

* Mayor Wood asked for an update on the project at 7th Street between Tomlinson Avenue & Morton Avenue? Manager Hendershot reported the site is a Sanitary issue which was inspected. Estimated cost is going to be under \$10,000 so the bid process does not apply. The camera showed the sewer being alright but they're not sure why the ground is still moving.

* Mayor Wood received calls concerning Comcast dropping channels and asked if council has any leverage with Comcast? Manager Hendershot advised they have reviewed the contract and found that council has no control over their programming.

* Mayor Wood thanked Street Foreman Frank Stocklask for taking him around to some problem areas in the city.

* Mayor Wood asked for an update on the formation of the Sanford Resource Center. Manager Hendershot reported that Mr. Cochran wrote an article on the formation of a board. A non-profit board will be created to handle the school, the board members will sign a lease with the city and it will be the boards responsibility to make the center a self-sufficient facility. Manager Hendershot explained the process of becoming an applicant.

* Mayor Wood thanked Fire Chief Clarke for his report on vacant & dilapidated buildings. Also thanked the Building Inspectors for their report last meeting.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Wallace scheduled a finance meeting on Tuesday, September 8, 2009 at 5:00 p.m.

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson Simms scheduled a traffic meeting following the finance meeting.

Discussion and Approval of Recommendations by the Policy Committee.

Mayor Wood scheduled a policy meeting following the traffic meeting.

COUNCIL ITEMS:

* **Saunders** - Complained of the weeds behind the Car Wash & Woods Fitness Center. Owners need to be contact to cut the weeds.

* **Haynes** - Asked the Chief of Police why the City of Moundsville is losing so many officers? Chief advised that 3 officers left at one time to join the Marshall County Sheriff Department. The most recent officer resigned.

* Thanked the Police Officers for patrolling Stewart Street & Locust Avenue.

* Thanked the Street Department for fixing the alleys.

* **Simms** - Commended the Building Inspectors for an excellent job.

* Commented about saving \$125 on his Comcast bill making his bill over \$300 which he finds to be ridiculous.

* **Wallace** - Nothing at this time.

* **Young** - Wished to thank all the employees for their dedication.

* Wished to thank Delegate Varner for the grants obtained for the city.

* Asked if the office will be receiving new computers for the \$8,000 grant. Manager Hendershot advised that software will be updated.

* **DeWitt** - Wished to thank all the departments for taking care of business.

Councilperson DeWitt made a motion to adjourn, seconded by Councilperson Simms. Motion carried unanimously.

Meeting adjourned at 8:17 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor