

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
FEBRUARY 1, 2011**

The Council of the City of Moundsville met in regular session in the Council Chambers on February 1, 2011 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson Mark Simms.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, Remke, Simms, Wood and Mayor Wallace. Absent: Haynes & Saunders. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clark, Street Commissioner Richmond, Building Inspector Mercer, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

**MINUTES:**

**Regular Council Meeting of January 18, 2011.**

Councilperson Remke moved to accept and approve the minutes of the regular council meeting of January 18, 2011, seconded by Councilperson Wood. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\* Lester Tasker, 1407 10<sup>th</sup> Street, asked for more patrol in Moundsville. Also wanted to know why the city if not using the blue salt for the streets anymore.

Mayor Wallace informed Mr. Tasker that the Chief will provide more patrol. And Street Commissioner Richmond commented when the city purchases salt, the Street Department only has what the company gives them. Sometimes there are blue granules in it.

**OLD BUSINESS:**

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

\* Councilperson Wood asked Manager Hendershot what the next step would be to moving forward with the Knights of Pythias building. Manager Hendershot noted according to the report from McKinley & Associates, the building is old with some minor deficiencies, but the building is sound. A motion and a vote of council to make an offer on the property would be the next step.

Councilperson Wood made a motion to direct the City Manager to contact the owners of the Knights of Pythians asking for a purchase price, seconded by Councilperson DeWitt. Motion

carried unanimously.

Councilperson Remke made a motion to direct the City Manager to contact the owners of the Elks building asking for lease amount and what their intentions are, seconded by Mayor Wallace. Motion carried unanimously.

\* Councilperson DeWitt asked what was done with the savings from the Police & Fire Pensions? Manager Hendershot reported the funds went to pay increases, worker compensation, health insurance, etc.

\* Councilperson Remke asked about the run off for trucks coming down Rt. 250. And the truck routes through out Moundsville. Manager Hendershot reported the item was referred to the Traffic Committee.

\* Councilperson Remke asked about foot patrol for officers on Jefferson Avenue. Manager Hendershot said that item was referred to the Policy Committee.

\* Councilperson Remke asked about the Rt. 250 sign. Manager Hendershot reported having talked to DOH who has not agreed to move the sign because of the layout of the intersection.

\* Councilperson Remke, referring to the minutes of the January 19 Moundsville Stormwater Utility Board meeting, asked about \$45,000 one employee. CPA Goddard commented that amount is for a full time city employee. Manager Hendershot reported that actually, the \$45,000 would fund two laborers under the Stormwater Board.

\* Councilperson Remke, referring to the minutes of the January 10 Moundsville Water Board meeting, asked what the city needs to do to get the hydrant at 3<sup>rd</sup> Street & Curtis Avenue working again. Manager Hendershot reported the leak was at 4<sup>th</sup> Street & Curtis Avenue, but the leak and the hydrant are on the same line. In case of a fire, the department will run lines from the other hydrants.

## **NEW BUSINESS:**

### **Discussion and Approval in Reference to Change of Scope for the CDBG Housing Grant.**

Manager Hendershot reported the CDBG Housing Grant is a grant the city has been participating in for approximately 4 years. The grant was originally a housing rehabilitation grant for qualified home owners in the city. There is \$25,000 left that needs to be expended so the grant can be closed out. They have allowed the city to have ADA Projects through the city. This would be council's decision as to what projects to use the \$25,000 toward.

Councilperson Wood made a motion to authorize the City Manager to proceed with Change of Scope for the CDBG Housing Grant, seconded by Councilperson Remke. Motion carried unanimously.

**Discussion and Approval of a Resolution Authorizing the Execution of a Certain Application for a Grant Through the Community Participation Program. (Emergency Response Equipment \$10,000 and Garage Lighting \$2,000)**

Councilperson Simms made a motion to authorize the execution of the grant application for emergency response equipment of \$10,000 and garage lighting of \$2,000, seconded by Councilperson DeWitt. Motion carried unanimously.

**Discussion and Approval of a Resolution Authorizing the Execution of a Certain Application for a Grant Through the Community Participation Program. (Riverfront Shelter, Walk and Parking Area \$13,000)**

Councilperson Remke asked Manager Hendershot why the Chamber of Commerce may move “Music in the Park” to another area. Manager Hendershot reported that he attended the Parks & Recreation Board meeting at which time Executive Director Dave Knuth expressed his disappointment that Parks & Recreation are going to rent the shelter with the kitchen facility available to the renter. Manager Hendershot also commented that “Music in the Park” has never recognized the City as a sponsor even though the concerts are held at the city’s Riverfront Park.

After Mayor Wallace reminded council they need to vote on executing the grant, Councilperson DeWitt made a motion to authorize the execution of the grant application for Riverfront Shelter, Walk and Parking area of \$13,000, seconded by Councilperson Simms. Motion carried unanimously.

**Discussion of an Ordinance of the Issuance of Sewage Revenue Bond, Series A, in an Amount not to Exceed \$4,200,000.**

Manager Hendershot explained that bond ordinances require three separate readings and the city needs to ensure the ordinances are properly advertised. This is the separation project the Sanitary Board has been working on for several years. The ordinance was actually passed by council April 20, 2010 which approved a two tier rate increase. The first tier became effective immediately for operational costs and the second tier was designed to cover the cost of the construction. There will be three readings, 30 days between the second and third reading. On the third reading there will be a public hearing which will be incorporated into the regular council meeting. The second rate increase will not go into effect until the construction is completed. The construction companies will be paid out of the bond to do the work and when the construction is completed, the second tier of the rate increase goes into place so the bonds can be paid.

Councilperson Wood made a motion to move forward on first reading scheduled for February 15, 2011, seconded by Councilperson Simms. Motion carried unanimously.

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

\* Councilperson Remke asked Manager Hendershot to meet with the Marshall County Chamber of Commerce at the next meeting to discuss “Music in the Park.

\* In reference to the dilapidated trailer at 17 Hickory Avenue, Councilperson Remke does not feel that a trailer should be allowed to be placed there. Manager Hendershot explained this issue was already addressed by Building Inspector Mercer. The property was grand fathered because the old trailer was there prior to zoning. Since the trailer is beyond the 60% damaged level, another trailer can not be placed at that address.

\* Councilperson Remke asked what the status is of the 52 houses on the “dilapidated structures” list and is there anything that council can do to help move the process along faster. For instance, the house at 1409 Seventh Street is vacant, front door is open and a bad odor coming from inside. Fire Chief Clarke reported the owners case worker is unaware of his whereabouts and condition. The caseworker is actively pursuing to take steps through the to become his guardian. The city is at a standstill until the caseworker becomes the guardian. Chief Clarke, the Building Inspector and the Police Department secured the house as good as they can. The front screen door is locked and the inside door is open.

\* Councilperson Remke reported the building at 242 Jefferson Avenue (former Pam’s Restaurant) may be sold. The owner is negotiating with another business owner.

\* Councilperson Remke reported a trap door at 401 Jefferson Avenue along the walkway on the side of the building is open and reports of people vacating the property. Manager Hendershot advised he gave information to the midnight Sgt. Councilperson Simms also reported the owner never cuts the grass behind that building.

### **MANAGER ITEMS:**

#### **Request for Water Rate Increase.**

Manager Hendershot advised council the Moundsville Water Board is considering writing a rate increase request to council. At this point, they are not maintaining their 1.15% which is required by their bond issues so they are being forced to look at rate increases. Maintenance of the new water treatment plant was more than expected or at least more than the public service commission would allow them to include in their initial rate. Attorney James Kelsh will be attending the council meeting for the first reading.

#### **Thank You Card Received.**

Manager Hendershot received a thank you card from Mr. & Mrs. Hedrick, 1419 Second Street, for third place prize 2010 Christmas House Decorating Contest. The card is a picture of their house lit up with Christmas lights.

Councilperson Simms made a motion to receive and file the card, seconded by Councilperson DeWitt. Motion carried unanimously.

**Fostoria Glass Site.**

Manager Hendershot reported the Fostoria Glass site has been approved for participation in the West Virginia Voluntary Remediation Program. The next step is to arrange for a public repository for all the information that comes out of this entire review process so that it will be available to the public. Council can choose areas such as the library or at City Clerk’s Office. Council members agreed to locate the information at the Public Library.

**WV Municipal League Winter Conference.**

Manager Hendershot reported that he and several council members attended the WV Municipal League Conference. Some of the issues the Municipal League wanted cities to discuss with their legislatures was Municipal Audits for Class IV cities, which does not effect Moundsville. Another issue WVML was asking support was Excess Levies, proposal is to lower the required 60% super majority to simple majority.

Manager Hendershot and council members were able to meet with legislatures speaking to them about Moundsville’s “wish list”.

**Bid Opening for Window Replacement and HVAC Upgrade.**

The bid opening was scheduled for January 28, 2011 at 10:00 a.m. Results of the bid opening are as follows:

Window Replacement Project: Grant Value \$22,910.00

Replacement Windows	\$20,456.00
Molly Joe Inc	\$26,900.00
Cattrell	\$24,500.00

HVAC Upgrade Project: Grant Value \$32,510.00

HE Neumann	\$25,992.00
Kucera Heating	\$33,900.00
Johnson Boiler	\$29,950.00
Cattrell	\$48,000.00

**Vacancy on the Zoning Appeals Board.**

Manager Hendershot announced vacancies on the Zoning Appeals Board and is asking council to

assist in locating persons of interest willing to serve on the board.

**Belomar Regional Council.**

Manager Hendershot attended the traffic portion of the Belomar Regional Council meeting. Projects to be programmed in 2011 are Inspection of the Arch Moore Jr Bridge over the Ohio River in Moundsville at an estimated cost of \$450,000; Engineering for the Moundsville Bridge Lighting project estimated cost of \$75,000; And ODOT in participation with WV DOT project to paint the Arch Moore Jr Bridge estimated cost of \$1,800,000.

**E-Solutions - WV Interactive.**

City Manager Hendershot spoke with Sara McDowell, Director of Marketing, West Virginia Interactive, concerning E-Solutions. They can assist the city in providing “pay as you go” or “pay online” for bills at no cost to the city but a minimal cost to the customer.

**Summary Report from Marshall County Commission.**

A summary report was obtained from the Marshall County Commission concerning the partnership of the Stormwater Management Board and Marshall County Commission pertaining to the flooding in the east end of Moundsville from the construction at Blake’s Addition. The construction of the addition has caused problems with flooding at the bottom of the hill. The summary made recommendations to improve the inlets and change the elevation.

**Debt Affordability Study.**

The Moundsville 2008 Debt Affordability Study was provided to council providing highlights of concerns on the use of B&O Tax and the dangers of increasing B&O Tax.

**Legal Advertisements by Attorney White.**

Attorney White provided legal advertisements published in the Moundsville Daily Echo to be received and filed by council:

1. Zoning Ordinance for 1306-308 Seventh Street
2. Zoning Ordinance for 1107 12<sup>th</sup> Street
3. Building Nuisance & Abatement Violation for 120 Poplar Avenue
4. Building Nuisance & Abatement Violation for 1413 Pearl Street

Councilperson Simms made a motion to receive and file the legal ads, seconded by Councilperson Wood. Motion carried unanimously.

**MAYOR ITEMS:**

\* Mayor Wallace attended a dinner honoring the Young Patriots Essay Contest winners at the Moundsville VFW. First place winner from Moundsville proceeded to Charleston WV.

\* Mayor Wallace received a complaint of speeders in Cherokee Hills on Sandy Avenue.

\* Mayor Wallace received a packet from the Marshall County Chamber of Commerce expressing the need for a hotel/motel in Moundsville. The Chamber is asking that someone take the initiative to invite potential investors to Moundsville for a hotel/motel. Mayor Wallace announced that Councilperson Remke has already started the process.

## **COMMITTEE REPORTS:**

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

Councilperson Saunders scheduled a Finance Committee meeting on Tuesday, February 8, 2011 at 5:00 p.m.

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

Councilperson Simms scheduled a Traffic Committee meeting following the finance meeting.

### **Discussion and Approval of Recommendations by the Policy Committee.**

Councilperson Wood scheduled a Policy Committee meeting following the traffic meeting.

## **COUNCIL ITEMS:**

\* **DeWitt** - Asked how much longer the barricades are going to be left at Fourth Street & Curtis Avenue. Manager Hendershot reported that he was not sure but thinks the Water Board is waiting on the weather to break.

\* Reported the tree in front of Wilson Law Office on Jefferson Avenue needs trimmed, it is obstructing the flashing school light for St. Francis. Councilperson Remke said he will try to get the tree trimmed.

\* Reported the vacant house at 103 Jefferson Avenue was purchased by TJ Auto Sales.

\* Commended the Recreation Department for cleaning snow from sidewalk on Jackson Street, Railroad Street, and Fourth Street.

\* **Remke** - Asked Councilperson DeWitt if TJ Auto Sales bought the old T&E Florist because some of his vehicles were in the rear of the building.

\* Recommended the city invest in a security system at the city building.

\* Reported scraping of vehicles exiting the city lot onto Morton Avenue. Manager Hendershot said the portion of the street can not be leveled because rain water would not be able to continue flowing to Sixth Street.

\* Discussed the possibility of hiring a grant writer. After discussion, the request was sent to the finance committee.

\* Discussed the possibility of hiring a beautification director. Mayor Wallace asked for a voice vote of members in favor or not of hiring a beautification director. Remke voting yea. DeWitt, Wood, Simms and Mayor Wallace voting nay.

\* **Wood** - Asked for an update on the Fostoria Project. Manager Hendershot reported the RAZE is working off site trying to obtain funds to re-invest back into the site. They are moving forward with the Voluntary Remediation Program hopefully to obtain a Certificate of Completion on the site. Discussion at the Building Commission meeting about the Artisan Center, there were concerns the structure has deteriorated to the point that it is not savable.

\* Budget Process is being worked on by City Manager, CPA Goddard and the Department Heads. Meeting scheduled for Wednesday, February 2, at 5:00 p.m. with Department Heads.

\* **Simms** - Asked if the city was going to continue with the RV Park at the Riverfront. Manager Hendershot said the matter needs to be discussed further.

Councilperson Simms made a motion to recess for 5 minutes then have executive session on personnel matters, seconded by Mayor Wallace. Motion carried unanimously.

Meeting recessed at 8:33 p.m.

Meeting reconvened at 8:40 p.m.

Executive Session began at 8:40 p.m.

Executive Session recessed at 9:02 p.m.

Regular session reconvened at 9:02 p.m.

Councilperson Simms moved to adjourn, seconded by Councilperson Wood. Motion carried unanimously.

Meeting adjourned at 9:03 p.m.

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Sondra J. Hewitt, City Clerk

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Dennis Wallace, Mayor