

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JUNE 16, 2009**

The Council of the City of Moundsville met in regular session in the Council Chambers on June 16, 2009 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by the Councilperson Mark Simms.

Acting City Clerk Ankrom 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, Working Foreman Stocklask, CPA Kathryn Goddard, City Attorney Thomas White, and Acting Clerk Ankrom. Absent was Building Inspector Wise (vacation), Street Commission Richmond (sick), and City Clerk Hewitt (vacation).

MINUTES:

Regular Council Meeting of June 2, 2009.

Mayor Wood noted that the minutes are from the June 2 meeting, not June 16. Councilperson Haynes made the motion to accept and approve minutes of the regular council meeting of June 2, 2009, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

Mayor Wood reminded all those present to please turn off all cell phones and beepers.

* Carmina Oakland, 29 Fostoria Avenue, stated that the insurance adjuster had not been in contact with her yet. Manager Hendershot noted that claim had been submitted.

Noticed that culvert work on Fostoria Avenue appears to be stalled. Manager Hendershot explained that clog has been cleared and work will finish when weather has cleared; but there is a question about property ownership.

Foreman Stocklask stated that he visited with her son today, but he was not happy with the pipe chosen. The Street Department will continue to work with them.

* David White, 406 Clinton Avenue, noted that two drains at 4th and Cedar appear uneven and cause overflow during heavy rains. Manager Hendershot stated that they will be looked at. Noticed that grass has been cut on one 4th Street house, but other residence is still an issue; Manager Hendershot does not have an update at this time.

* George Kachalo, 46 Fostoria Avenue, addressed property line issue, a surveyor stake that was

removed, vehicles left running near his residence, harassment toward him by his neighbor, and water that had to be removed from his basement.

* Brad Varlas, 1107 12th Street, requested update on sidewalk project. Manager Hendershot explained that some drawing corrections have been made and re-submitted, and work should start this summer.

Asked that something be done with Pearl Street, from Garfield to Parriott. If not paved, potholes need to be addressed.

Presentation from the Moundsville Volunteer Fire Department to Moundsville Police Lt. Murray & Glen Dale Police Patrolman Whitelatch.

This presentation is carried over to a later meeting, when all parties involved can be present.

Appealed Decision of B&O Taxes for Moundsville Auto Choice.

Attorney White explained that the appellant requested this issue be heard later but did not set a specific date. Attorney White explained that Auto Choice has requested refund of Business & Occupation Taxes that they believe have been overpaid for several years. The City’s Finance Director, following State Code, denied a refund of all but three years worth of the overpayment.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson Saunders asked about the progress at Fostoria. Manager Hendershot referred Council to the letter from GAB Enterprises, explaining that cross-contamination cleanup is about 80% complete, and should be done by the end of July. Demolition of the administration building should begin after approval from the Department of Environmental Protection.

* Councilperson Simms inquired about progress at the Simmons Apartment building. Manager Hendershot explained that the owner has been working with the DEP, who is treating the site as contaminated. The property owner is having the site tested for asbestos.

* Mayor Wood noted that the grass, growing through the fence on First Street side of the Fostoria plant, has been cut.

* Councilperson Haynes questioned why four-wheelers are not allowed on City streets, but a local resident has been seen driving a tractor through town. Manager Hendershot explained that there is a significant difference between tractors and ATVs; and the tractor should have a slow-moving vehicle emblem, such as the City tractors do that drive through town.

NEW BUSINESS:

Discussion and Approval of a Resolution for the Moundsville Volunteer Fire Department Contract.

Councilperson Simms made the motion to approve the resolution to enter into a contract with the Moundsville Volunteer Fire Department, seconded by Councilperson Haynes. Manager Hendershot reminded Council that, at a previous Finance Meeting, the Volunteers offered to donate a portion of the new contract amount back to the City. Mayor Wood called for a roll call vote. Acting Clerk announced the following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms, Wallace, Young, and Wood. Motion carried unanimously.

Discussion and Approval of a Resolution for Leases on City Equipment.

Manager Hendershot explained the annual lease renewal process, as required by the State Auditor’s Office. Councilperson Simms made the motion to approve the resolution for leases on City equipment, seconded by Councilperson Saunders. Mayor Wood questioned the “Unsecured LOC,” which Manager Hendershot explained was a line of credit issued when Sanitation Department was started. Mayor Wood called for a roll call vote. Acting Clerk announced the following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms, Wallace, Young, and Wood. Motion carried unanimously.

Discussion and Approval of Computer Bids for the Police Department.

Manager Hendershot and Chief Kudlak explained that only one bid was received for software that will link the dispatch center with the mobile data terminals. This system will be paid for by the \$70,000.00 technology grant from Congressman Mollohan. Neighboring cities, as well as perhaps the county, may “piggy back” onto this system, as they have also received grant funds. Councilperson Saunders made the motion to approve the computer bids for the Police Department, seconded by Councilperson DeWitt. Mayor Wood called for a roll call vote. Acting Clerk announced the following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms, Wallace, Young, and Wood. Motion carried unanimously.

Discussion and Approval of Bids for a Garbage Truck for the Sanitation Department.

Councilperson Simms made the motion to approve the bids for a garbage truck, seconded by Councilperson Saunders. Manager Hendershot requested this issue be carried over, as Commissioner Richmond questions whether one of the trucks met minimum bid specifications. Councilperson Saunders made a motion to table the issue until Commission Richmond can make a recommendation, seconded by Councilperson Simms. Motion carried unanimously.

Discussion and Approval of Paving Bids.

Manager Hendershot explained that, because of serious damage caused by recent storms, Highland Avenue was added to the list of streets to be engineered, along with Walnut Avenue and Third

Street. Total bid is \$168,851.63. Manager Hendershot estimates that, considering the current balance and expected revenues between now and the time of invoicing, the Municipal Fee Account will contain enough funds to possibly pave two of the streets. If chosen for paving, drainage corrections will be made on Highland Avenue before final paving is done. Councilperson Saunders made the motion to consider all three streets for paving, seconded by Councilperson Simms for discussion. Discussion was held on finances available, then Councilperson Simms rescinded his second of the original motion, seconded by Councilperson Saunders. Councilperson Saunders then motioned to approve the bids for paving of Highland Avenue, from Jackson to Second, and Walnut Avenue, from Fostoria to Ash, seconded by Councilperson Simms. Mayor Wood called for a roll call vote. Acting Clerk announced the following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms, Wallace, Young, and Wood. Motion carried unanimously.

Manager Hendershot noted that there is no “stimulus money” available at this time; however, the paving of Highland Avenue was submitted to FEMA for assistance, as damage was storm-related.

Discussion and Renewal of Employee Life Insurance.

Manager Hendershot referred to bids received from The Schwendeman Agency comparing quotes for employee life insurance. Standard Insurance, the City’s current carrier, has extended their price guarantee for 36 months; however, the City is not required to lock in for that length of time. Manager Hendershot also had the Schwendeman Agency investigate the stability of the companies; and their recommendation is to stay with Standard. Councilperson Simms made the motion to go with The Schwendeman Agency’s recommendation to stay with Standard Insurance, seconded by Councilperson Haynes. Mayor Wood called for a roll call vote. Acting Clerk announced the following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms, Wallace, Young, and Wood. Motion carried unanimously.

Authorization of Purchase of a Heating & Air Conditioning Unit for the Fire Department.

Chief Clarke noted that no specifications were written, but four companies viewed the building and submitted proposals for a new heating and air conditioning unit for the Fire Department. Chief Clarke recommends going with Haynes Heating and Air Conditioning. Although their bid of \$4,920.00 was higher than Mountain Aire’s bid of \$4,802.00, the Haynes model offered more BTUH, making it more “cost effective.” Councilperson Simms made the motion to purchase a heating and air conditioning unit, for the Fire Department, from Haynes Heating and Air Conditioning, seconded by Councilperson Saunders. Mayor Wood called for a roll call vote. Acting Clerk announced the following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms, Wallace, Young, and Wood. Motion carried unanimously.

Appointment to the Moundsville Library Board.

Manager Hendershot noted that the Library Board expressed interest in the reappointment of David Dalzell Jr, whose term expires July 1, 2009. Mr Dalzell has been a member for many years. Letter of request was also received from Jane Klug. Mayor Wood made the motion to reappoint

David Dalzell to the Library Board, seconded by Councilperson DeWitt. Motion carried unanimously.

Other Items to be Discussed by Council

Councilperson Simms questioned whether WV State Code sets term limits for members of Recreation Boards. Attorney White will have to research but is under the impression that there are no term limits. Councilperson Simms then questioned how much authority individual members of the Board of Parks and Recreation have over recreation department employees. Manager Hendershot and Attorney White explained that Board members do have more “leeway” in regard to personnel issues than Council members, who are governed by the City Charter. The City Manager does have the authority to hire and fire Recreation Board employees, which is legal by State Code and allowed by City policy; and City Council oversees the Recreation Board budget, but cannot restrict how the money is spent. Discussion was held on recent actions by the Recreation Board, which may not be wise but are legal, according to the policy. Manager Hendershot suggested having Recreation Board members attend the next Finance Meeting to discuss concerns. Councilperson Saunders intends to address specific issues at the next Board meeting on Thursday, June 18, and will report back to Council.

MANAGER ITEMS:

Youth Club Request for Letter of Support

Manager Hendershot received a request, from the Youth Club of Marshall County, for a letter of support. Cindy Nicholson also submitted a letter referring to Sanford Elementary that Council members can read at their leisure. Councilperson DeWitt made the motion to direct the City Manager to send a letter of support to the Youth Club of Marshall County, seconded by Councilperson Saunders. Motion carried unanimously.

Moundsville Sanitary Board Resolution

Manager Hendershot stated that the Moundsville Sanitary Board passed a resolution on Monday evening authorizing the request for City Council to pass an ordinance for a Sanitary Board rate increase. Manager Hendershot requested a Special Finance Meeting next week to further discuss the rate increase and will contact the Sanitary Board’s attorney to see if he will be available to answer questions. The total project cost is \$3.5 million, which does not include an increase for plant O&M, only special projects, such as primary digester lid replacement and the 7th Street line repair. Council members agreed to meet June 23rd at 5:00 PM for a Special Finance meeting.

Mound City Bass Masters Request for Advertising Dollars

Manager Hendershot received a request from the Mound City Bass Masters asking for advertising dollars. Council members agreed to deny the request.

Best Family Commendation Letter

The Best Family of 206 Cypress Avenue sent a letter commending all responders to the Simmons Apartment Building fire. Councilperson Simms made a motion to receive and file the letter, seconded by Councilperson Haynes. Motion carried unanimously.

Update from GAB Enterprises LLC

Manager Hendershot again noted the update letter from GAB Enterprises on progress at the Fostoria site. Manager Hendershot explained that Patrick Kirby of WVU was extremely helpful in submitting a “second-round” of paperwork pertaining to the recently-awarded grant. An extension for submitting the paperwork was requested but notification of extension denial was not sent until the day before it was originally due. BelOMar was not able to assist with the filing, but will be administering the funds. Mayor Wood suggested sending a letter of appreciation to Mr. Kirby.

Receive and File Legal Publications

Councilperson Simms made a motion to receive and file the seven legal publications being held by Attorney White, seconded by Councilperson DeWitt. Motion carried. Legal publications are as follows:

Notice of Property Condemnation to Mr. James Webber					
Sealed Bids for Street Improvements		City	vs	Michelle	
	Switzer				
Sealed Bids for Computer Software Vendor	1500	2 nd	Street	Zoning	
			Change		
Sealed Bids for Rear Loading Refuse Truck	24	Jefferson	Avenue	Zoning	
				Change	

Lionsgate Films

Manager Hendershot noted that Lionsgate Films will be filming scenes inside the Moundsville Prison on June 23 and 24.

Business After Hours

Manager Hendershot announced the Business After Hours at Grand Vue Park on Thursday, June 18.

John Marshall Monarch Football Advertising Request

Manager Hendershot received a request for advertising dollars from the Monarch Football program. Request was denied.

Letter of Resignation from Mr Whorton from Fire Civil Service Board

Mr. Bert Whorton has moved out of Moundsville, therefore, he is no longer eligible to serve on the Fire Civil Service Board. The Fire Department will inform Council when they appoint a new member to serve the unexpired term.

PRO Officer Grant Possibility

Manager Hendershot passed around a letter explaining the possibility of receiving \$31,000.00 for the PRO program.

MAYOR ITEMS:

* Mayor Wood reminded members of the WV Municipal League meeting August 6-8, 2009. Those wishing to attend should notify City Clerk Hewitt or Secretary Kaufman.

* Mayor Wood questioned 30-day waiting period for Zone Change, as it applies to the change for Grant Avenue and 1st Street, which was approved on First Reading. Manager Hendershot and Attorney White agreed that this notice period meets State law.

* Mayor Wood informed that not all motorists are stopping for the flashing red lights at 5th Street and Jefferson Avenue. Chief Kudlak mentioned the "Target Red" grant that will pay overtime wages for officers enforcing stop sign and red light violations. Moundsville is one of only three Northern Panhandle cities participating in this pilot program.

* Mayor Wood asked Chief Kudlak about the request for additional monies for officers. Chief Kudlak stated that no decision will be made until the end of September.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Wallace reported that no action was taken on the discussion of funding a position of Director for Community Center. This item will be placed back on the agenda when estimated costs have been received from McKinley & Associates. Manager Hendershot noted that utility costs are estimated to be less than originally anticipated; however, a full package will be put together with information from McKinley. Manager Hendershot reminded members of a tour of Sanford Elementary scheduled for Wednesday at 1:00 PM. Mayor Wood noted an email received by Councilperson DeWitt from Kenny Rhodes, Maintenance Supervisor, by way Lloyd Earnest, who handles energy conservation. Mayor Wood read the listed average utility costs, which would be about \$2,300.00 per month.

Councilperson Wallace noted that no presentation was given by the Upper Ohio Valley Port

Authority, but will be rescheduled when gentleman is available.

Councilperson Wallace mentioned the discussion of the May 2009 monthly financial statements. There is a small surplus due to a “windfall” utility tax and tightened spending. CPA Goddard offered no projection for the end of June.

Councilperson Wallace made a motion to donate \$2,500.00, from Hotel/Motel Tax revenue, to help fund the Tourism Director position. Motion seconded by Councilperson Simms. Manager Hendershot explained that the County and MEDC, as well as other local municipalities, are also helping fund this position. Mayor Wood called for a roll call vote. Acting Clerk announced the following tally: 7 yeas; DeWitt, Saunders, Haynes, Young, Wallace, Simms, and Wood. Motion carried unanimously.

Councilperson Wallace reported that no action was taken on street sweeper purchase, as final numbers are not available at this time, and trade-in values are still being investigated.

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson Simms reported that the curb painting request at 209 Sandy Avenue will be reviewed and brought up at a later time.

Councilperson Simms stated that Chief Kudlak is still working on the handicap parking criteria.

Councilperson Simms noted that two handicap parking requests, for 1821 3rd Street and 66 Oak Avenue, were denied.

Discussion and Approval of Recommendations by the Policy Committee.

Mayor Wood noted that the City goals will be formalized at an upcoming meeting, then distributed to Council members and Department Heads.

Councilperson Saunders made a motion to direct the City Attorney to draft an ordinance regarding Employees’ Compensatory Time Off policy, seconded by Councilperson DeWitt. Motion carried unanimously.

Councilperson Saunders made a motion to approve the draft Resolution outlining guidelines for document production, seconded by Councilperson Haynes. Attorney White read the following resolution by title only:

A Resolution of the Council of the City of Moundsville, West Virginia, Establishing and Adopting Reimbursement Costs for Reproduction of Public Records (First and Only Reading)

Attorney White explained that this resolution was modeled after the City of Glen Dale’s policy.

Motion carried unanimously.

Mayor Wood and Councilperson Saunders noted a recommendation to make the eligibility time period for insurance benefits a standard of 90 days throughout the Employees' Policy Regulations. Councilperson Simms made the motion to direct the City Attorney to draft an ordinance for clarification of the eligibility time period as it relates to health insurance benefits, seconded by Councilperson Saunders. Motion carried unanimously.

COUNCIL ITEMS:

* **Young** - Asked Chief Clarke about doors that were going to be installed for the Fire Hall. Chief Clarke explained that the State Grant has been approved but permission to actually spend the money has not been received.

* Questioned whether there are grants available to upgrade the front office technology. Manager Hendershot explained that most Federal money is once again being directed to Police and Fire Departments. Another building grant will be applied for soon.

* **Wallace** - Wished everyone a "Happy Fathers' Day!"

* **Simms** - Nothing at this time.

* **Haynes** - Asked about issue on Forest Street. Manager Hendershot explained that an agreement has been signed and damage caused by heavy trucks will be corrected when job is complete.

* **DeWitt** - Mentioned the sink hole at 7th Street and Ash Avenue.

* Noted that there are broken curb pieces laying in the street at 1109 9th Street.

* Asked that publication be made reminding residents that yard/garage sale signs are not to be posted on utility poles. Hugh Anderson, of the *Moundsville Daily Echo*, will publish a notice. Chief Kudlak mentioned that, when they have time, officers have been pulling posters off, visiting the sales, and reminding residents that it is prohibited.

* **Saunders** - Questioned whether commercial buildings are allowed to be used for storage and the utility service requirements.

* Asked about Purchasing Card. Acting Clerk Ankrom noted that the credit card had been received, but she and Office Supervisor Hess have yet to be trained on the software, which will try to be scheduled for sometime in July.

* Is happy to report that older houses are getting cleaned up. Manager Hendershot needs to clarify one 4th Street address with him.

* Thanked the Street Department for handling the guardrail and thanked Chief Clarke for his assistance.

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

Meeting adjourned at 8:24 p.m.

Karen L. Ankrom, Acting City Clerk

David Wood, Mayor