

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MARCH 3, 2009**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on March 3, 2009 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by City Manager Hendershot.

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

MINUTES:

Regular Council Meeting of February 17, 2009.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of February 17, 2009, seconded by Councilperson Saunders. Motion carried unanimously.

Special Council Meeting of February 25, 2009.

Councilperson Simms made a motion to accept and approve the minutes of the special council meeting of February 25, 2009, seconded by Councilperson Haynes. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Brad Varlas, 1107 12th Street, informed council that he was interested in the Fourth Ward Council Seat and would appreciate council's support. Mr. Varlas also commented on all the incentives that the City Moundsville received or obtained when he was Fourth Ward Councilperson.

* Mr. Kachalo, 31 Fostoria Avenue, informed council of the Fire Department measuring his property but he was not provided a copy of the measurements. Mr. Kachalo told council that he will consult an attorney on this matter.

* Joseph Thompson, 1105 Twelfth Street, told council that he does not agree with the decision made by council that employees will lose their eye and dental insurance or clothing allowance while they receive an increase.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Sidewalk Upkeep in the City of Moundsville. (Second Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING SECTION 901.16 OF THE CITY CODE TO PROVIDE FOR SIDEWALK INSTALLATION, UPKEEP AND REPAIR BY PROPERTY OWNERS, AND PROVIDE FOR PENALTIES AND ASSESSMENTS FOR FAILURE TO DO SO. (SECOND READING)

Councilperson Simms made a motion to accept and approve the sidewalk ordinance on second reading, seconded by Councilperson Haynes.

Councilperson Young expressed his feelings on the sidewalk ordinance stating that most citizens can not afford to replace or even repair their sidewalks.

Mayor Wood called for a voice vote. City Clerk announced the following tally. 5 yeas, 1 nay. Young voting nay. Motion carried.

NEW BUSINESS:

Appointment to the Fourth Ward Council Seat.

Councilperson Wallace moved to appoint Brad Varlas to the vacant seat. Motion died for lack of a second.

Councilperson Wallace moved to appoint Ginger DeWitt to the vacant seat, seconded by Councilperson Haynes. Motion carried unanimously.

Councilperson Simms, Saunders, Haynes and Young commented they narrowed their choice down to Brad Varlas and Ginger DeWitt. Since Mrs. DeWitt ran for council in the November 2008 election and also received names from citizen in the Fourth Ward they had chosen her to fill the position of Fourth Ward Councilperson.

Discussion and Approval of Rifle Range Bids for Restoration.

Bids were received on February 25, 2009 for restoration of the Indoor Rifle Range near Valley Fork Park. The bids were as followed:

- | | | |
|----|--------------|-----------------------------------|
| 1. | Glen Dale | KA Contracting
\$66,225.00 |
| 2. | Bellaire, OH | Trigg Construction
\$44,930.50 |
| 3. | Wheeling | Panhandle Cleaning
\$43,510.85 |

Councilperson Simms made a motion to award the project to the lowest bidder, Panhandle Cleaning in the amount of \$43,510.85, seconded by Councilperson Haynes.

Mayor Wood called for a voice vote. City Clerk announced the following tally. 6 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance for a Zone Change at 109 13th Street from S-R (Special Recreational) to C-N (Neighborhood Commercial). (First Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA AT OR NEAR 109 THIRTEENTH STREET IN THE CITY OF MOUNDSVILLE FROM A SPECIAL RECREATIONAL ZONE TO A NEIGHBORHOOD COMMERCIAL ZONE (FIRST READING)

Councilperson Simms made a motion to accept and approve the zone change ordinance, seconded by Councilperson Young.

Mayor Wood called for a voice vote. City Clerk announced the following tally. 6 yeas. Motion carried unanimously.

MANAGER ITEMS:

WV Port Authority.

Manager Hendershot was contacted by Jody Kraina, who is interested in creating a Port Authority along the Ohio River from New Martinsville to Chester, WV. Manager Hendershot asked council members to invite Ms. Kraina to speak in a committee meeting about the opportunity and options that may be available to the City of Moundsville. There is potential this

could assist in bringing industry back to the Valley.

CLT (Conserve, Leverage, Transform) Efficient Technologies Group.

Manager Hendershot had a phone conference with representatives of CLT Efficient Technologies Group. Chapter 8-12-5 that allows municipal government to enter into contracts with companies that make your facility more energy efficient. The cost of the energy steps are offset by a savings in your electricity. Manager Hendershot requested council to invite CLT to attend a committee meeting further explain to council the process.

Other Items by City Manager.

Manager's Apology.

Manager Hendershot apologized to the employees and citizens for miss information in the paper concerning pay raises and how things are going to be reduced. The information provided in the levy estimate was not accurate, it did reflect a raise for the City Manager and several department heads. No one in the city is being provided a raise in this years budget. Employee Christmas bonuses were a factor because \$75 of the bonus were carried over into this years budget. Also, employees receive an incentive in their salary.

After some discussion, Councilperson Simms suggested a friendly request to the Moundsville Volunteer Fire Department to reduce \$7,600 of their contract with the city so employees would not have to lose clothing benefits. Manager Hendershot advised that he will prepare a letter to the Moundsville Volunteers with council's request.

Ohio Valley Regional Transit Authority.

Councilperson Saunders expressed concern about the survey requested by Ohio Valley Regional Transit Authority. Council would like the new papers to inform the public that OVRTA was exploring the possibility of extending public transit service to Moundsville Shopping Plazas, WalMart and Reynolds Memorial Hospital.

MAYOR ITEMS:

* Mayor Wood asked the newspapers to reflect the City Manager's explanation concerning the budget.

* Mayor Wood announced that officials discussed with legislatures and the county commission the state wide problem of the Police and Fire Pensions.

* Mayor Wood asked for an update on the Fostoria project. Manager Hendershot advised work has ceased until the weather improves.

* Mayor Wood asked Attorney Thomas White for any information he found concerning the petition that Mrs. Kimberly Brooks submitted to him after the February 17 council meeting pertaining to 1008 Thompson Avenue (Dwight & Jonna Cunningham Property).

Attorney White found in his research that the City of Moundsville is not required to hold an election on the zone change of 1008 Thompson Avenue. Mrs. Brooks cited a code of 8A-7-7 which provides that the governing body may submit a proposed zoning ordinance for election, but that is talking about the initial enactment of a broad base zone ordinance for the whole city. In 8A-7-8A the code indicates that after the enactment of the zoning ordinance, the governing body of the municipality may amend the zoning ordinance in accordance with section 8 of this article without holding an election. However, section 8A-7-8, there is another problem that arises that Mrs. Brooks pointed out in her presentation. Some procedural errors have been ignored which became part of the code in June of 2008. Before amending the zoning ordinance, the governing body, with the advise of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan. If it is found to be inconsistent, the major changes must be found in the economic, physical or social area, which validates the change. In addition, the zoning ordinance requires a Class II-0 legal advertisement placed in a local newspaper.

It is Attorney White's recommendation on the 1008 Thompson Avenue zoning ordinance to start his process from the beginning at first reading.

Councilperson Saunders made a motion to place on the agenda the zoning ordinance of 1008 Thompson Avenue for first reading to correct the error, seconded by Councilperson Haynes.

Attorney White also noted that notice is to be given to the land owner by certified mail.

Mayor Wood called for a voice vote. City Clerk announced the following tally. 6 yeas. Motion carried unanimously.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Vice Mayor Wallace scheduled a finance meeting on March 10, 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:

* **Simms** - Asked if council was permitted to offer their own members health insurance if they paid their own premium? Attorney White suggested some restrictions in the employee policy of being a full time employee. Councilperson Simms asked Attorney White to research the matter since the attorney is a part time employee receiving health insurance.

* **Wallace** - Wished to thank all citizens that were interested in the Fourth Ward council seat.

* Congratulations to Ginger DeWitt for being appointed as Fourth Ward Councilperson.

* Believes the 2009-2010 General Fund Budget concerns will be handled appropriately by the City Manager.

* **Young** - Wished to thank all citizens that applied for the Fourth Ward council seat.

* Congratulations to Ginger DeWitt on her appointment.

* Wished to thank the Street Department for fixing the hole by 84 Lumber.

* Received complaint of the house at 64 Linden Avenue had burned and owner did not finish tearing it down.

* Asked Manager Hendershot if computer system was updated in the front office since the latest problem occurred. Manager Hendershot advised that some changes have been made and are continuing to do others.

* **Saunders** - Congratulations to Mrs. DeWitt on her appointment.

* Received complaint of the vacant house across from the parking lot of Polka Dot on Morton Avenue.

* Asked if the street sweeper was running? Street Foremen Stocklask reported the sweeper has not ran for a couple of days due to the weather.

* Commended the Police Department for patrolling and controlling speed on First Street.

* **Haynes** - Congratulations to Mrs. DeWitt on her appointment. And thanked others who were interested in the position.

* Received complaint of parking on sidewalk on Park Street near Oak Avenue. Councilperson Haynes will give address to Chief Kudlak.

Vice Mayor Wallace made a motion to adjourn, seconded by Councilperson Saunders. Motion carried unanimously.

Meeting adjourned at 8:03 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor