

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
JULY 6, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on July 6, 2010 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation was given by City Manager Hendershot.

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 Commissioner Richmond, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: Building Inspector Mercer.

**MINUTES:**

**Regular Council Meeting of June 15, 2010.**

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of June 15, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

**PRESENTATION:**

**Presentation for Jim Woods, Retired Superintendent of the Moundsville Water Board.**

Mayor Wood presented an appreciation plaque to Jim Woods for his 40 years of service to the Moundsville Water Department.

**Discussion and Approval of a Resolution of the Council of the City of Moundsville, West Virginia, Accepting a Charitable Gift from the Philip Remke Family, in the Honor of Christopher Remke, and Accepting Dedication of Said Funds for Public Use Limited to Certain Restrictions for Upgrade, Maintenance, and Beautification of the Jefferson Avenue Business District in the City of Moundsville.**

Phil Remke and his family presented council with a check in the amount of \$41,117.03 to be used in the beautification of Jefferson Avenue business district. Mr. Remke also presented council with a signed agreement by other Jefferson Avenue business owners committing to \$25 per month toward the Christopher Remke fund.

After Attorney White read the resolution, Councilperson Saunders made a motion to approve the resolution accepting the charitable gift, seconded by Councilperson DeWitt. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\* John Kloss, 1608 Eighth Street, opposed the Stormwater Management Ordinance and fee imposed on citizens.

\* George Kachalo, 31 Fostoria Avenue, complained to council for opening up the alley beside his house taking part of his yard. Also, he complained about the creek backing up into the yards of residents when it rains.

\* Carl Boso, 305 10<sup>th</sup> Street, asked council if they had made a decision on whether or not Hillbilly Mud Bog has to pay B&O Tax and obtain a City Business License.

Councilperson Young asked that the Fair Board, Hillbilly Mud Bog and Mr. Boso attend the Finance meeting where council will decide what to do.

**OLD BUSINESS:**

**Discussion and Approval of an Ordinance Pertaining to Stormwater Management and Surface Water Discharge Control. (Second Reading)**

Attorney White read the following Stormwater Management Ordinance to be received and filed by council:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, AMENDING THE MOUNDSVILLE CITY CODE, AS THE SAME APPLIES TO STORMWATER MANAGEMENT AND SURFACE WATER DISCHARGE CONTROL AND APPLICABLE RATES AND FEES. (SECOND READING)**

Councilperson Simms made a motion to approve the Stormwater Management ordinance, seconded by Councilperson Wallace for discussion.

Councilperson Simms commented that cities are being fined for not implementing the Stormwater Management ordinance. The tax payer will have to pay for fines imposed on the municipality.

Manager Hendershot commented that the MS-4 (Municipal Separate Storm Sewer System) permitting has been part of the National Pollution and Discharge Elimination System for five years. The city has already been doing this without charging any extra fees. The Sanitary Board has been lending their assistance with technical recording and the Street Department has been doing the work. The Stormwater Management ordinance is now mandatory and will be implemented January 2011.

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

Wallace, Young, Wood and DeWitt. 5 yeas. Saunders and Haynes nay. 2 nays. Motion carried.

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

\* Vice Mayor Wallace asked for an update on the Fostoria Project. Manager Hendershot reported no demolition going on this week, RAZE had another job to attend to. Out of the \$200,000 abatement grant the city was able to obtain, \$140,000 will be marked for cleanup. Demolition is at the expense of RAZE and GAB.

\* Councilperson DeWitt asked if the city has addressed the request for “City Business Only” signs for the city parking lot. Manager Hendershot noted the request will be on the agenda for the next committee meeting.

\* Councilperson DeWitt asked Chief Kudlak if he was in the process of hiring dispatchers. Chief Kudlak commented that he is working on that.

\* Councilperson Saunders asked when the burned house on Curtis Avenue was going to be demolished, also reported the grass needing cut on that property. Manager Hendershot commented that he can make a work request for the high grass. Chief Clarke stated that he provided Councilperson Saunders with a report that says the owner has until August 12, 2010 before the permit runs out.

\* Councilperson Saunders asked for an update on the Sanford Center. Manager Hendershot reported the group is actively looking for renters. The building has been cleaned up and the center hopes to have volunteers help with painting on Saturday. The Center is trying to set up a music room and computer room.

\* Councilperson Simms asked if he had received an answer on letters sent to delegates asking for matching funds for paving? Manager Hendershot said he has not received a response but noted that paving, typically is not one of the areas they can match funds.

\* Councilperson Simms commented that the fire pension fund has saved a lot of money and have ear-marked it everywhere except the Fire Department. Councilperson Simms asked Chief Clarke if the Fire Department was in need of anything. Chief Clarke noted the department needs upgraded in equipment and staffing.

Manager Hendershot commented that he and Mayor Wood have discussed and agreed that council needs department heads to tell them where funds should be used.

\* Councilperson Simms reported the building in bad shape & high weeds in rear of 345 Jefferson Avenue, which is a vacant property. And light bulbs need replaced in the city lot behind Allen’s Bootery.

\* Councilperson Saunders asked where we stand in the purchase of a street sweeper. Manager Hendershot reported Commissioner Richmond is in the process of purchasing the new Pelican and delivery is expected in a couple of weeks.

\* Mayor Wood asked for an update on the Gas Rights at Valley Fork Park. Manager Hendershot and Attorney White met with the agency that made the offer. The agency was told that council would not sign if the lease agreement included drilling on the property. The agency did not think that was an issue and were generally in agreement with allowing the City of Moundsville to enter into a contract with the original quoted price even though they could not drill on the property. The agency will have to take the information back to their company for approval.

#### **NEW BUSINESS:**

#### **Receive and File the Resolution of the Moundsville Water Board Recommending the Adoption of a Municipal Water Rate Ordinance by the Moundsville City Council.**

Mayor Wood moved to receive and file the resolution of the Moundsville Water Board recommending the adoption of a municipal Water Rate Ordinance, seconded by Councilperson Wallace for discussion.

After some discussion of the proposed water rate increase, Mayor Wood called for a voice vote. City Clerk announced the following tally. Simms, Wallace, Mayor Wood, DeWitt voting yea. Haynes, Saunders and Young voting nay. 4 yeas, 3 nays. Motion carried.

#### **Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a Contractual Agreement with the Division of Criminal Justice Services to Receive and Administer Grant Funds for a Prevention Resource Officer.**

Councilperson Saunders made a motion to authorize the City Manager to enter into a contractual agreement with Division of Criminal Justice for a Prevention Resource Officer, seconded by Councilperson DeWitt. Motion carried unanimously.

#### **Discussion and Approval of Change Order #1 for Brownfields Asbestos Abatement of the Former Fostoria Glass Plant.**

Councilperson Saunders moved to approve change order #1 for the Brownfields Asbestos Abatement of the former Fostoria Glass Plant, seconded by Mayor Wood.

Manager Hendershot explained the increase is \$34,000 which was the remainder of the grant that was left after RAZE International bid of \$107,000. The increase is based on under estimated amounts of cubic yards of debris that was on the site that had to be abated. The total has changed from 500 cubic yards to 925 cubic yards. The charge is \$80 per cubic yard as included in the original bid from RAZE International.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Wallace, Young, Mayor Wood, DeWitt, Saunders, Simms voting yea. Haynes voting nay. 6 yeas, 1 nay. Motion carried.

**Discussion of Worker's Compensation Renewal.**

Manager Hendershot reported paying premiums to Brickstreet Insurance last year in the amount of \$95,303. A quote was received from Brickstreet this year in the amount of \$160,000. An increase of \$64,837. The city's broker, Commercial Insurance received a quote from Unicom in the amount of \$117,655, an increase of \$22,352 over last year budget and \$42,000 less than Brickstreet.

Councilperson Saunders made a motion to authorize the City Manager to contract with Unicom for Employees Compensation, seconded by Councilperson DeWitt.

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.

**Re-Appointment to the Moundsville Water Board. (Council's Appointment)**

A re-appointment letter was received from the Moundsville Water Board requesting James Stultz to serve another term. Mr. Stultz sent a letter requesting re-appointment and Mr. Nick James asked to be considered.

Councilperson Simms made a motion to re-appoint James Stultz to the Moundsville Water Board, 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.

**Appointment to the Historic Landmark Commission. (Manager's Appointment)**

Joseph Parriott sent a letter expressing his willingness to serve on the Historic Landmark Commission. Manager Hendershot will make that appointment.

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

- \* Councilperson Simms asked if Manager Hendershot knew of any businesses coming to town? Manager Hendershot reported he could inform council on some matters in private.
- \* Councilperson Saunders asked what the hold up is on Tilly's Diner purchasing the property next to the restaurant for parking? Manager Hendershot advised he would look into the matter.
- \* Councilperson Simms asked if there was any way the Street Department could purchase the

riding lawn mower soon? Manager Hendershot noted that Commissioner Richmond was working on obtaining prices.

\* Councilperson Saunders reported everything went well during the Beast of the East Tournament.

\* Councilperson DeWitt received a request for a water fountain at the south end of the walking trail. Councilperson Saunders will bring that to the attention of the Parks & Recreation Board.

## **MANAGER ITEMS:**

### **Discussion to Reschedule the August Council Meeting.**

Manager Hendershot advised the WVML Conference is at Oglebay from August 3 -5, 2010. After some discussion, Mayor Wood moved to hold the first council meeting in August on the 10<sup>th</sup>, 2010, seconded by Councilperson Saunders.

Mayor Wood called for a voice vote. City Clerk announced the following tally. DeWitt, Haynes, Saunders, Wallace, Mayor Wood and Young voting yea. 6 yeas. Simms voting nay. 1 nay. Motion carried.

Mayor Wood moved to hold the second meeting in August on the 24<sup>th</sup>, 2010, seconded by Councilperson Young.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Saunders, Wallace, Mayor Wood, Young, and DeWitt voting yea. 6 yeas. Haynes voting nay. 1 nay. Motion carried.

### **Appointment to the Moundsville Planning Commission.**

Manager Hendershot received a letter from Ron Wood who is interested in serving on the Planning Commission. Mr. Wood will be appointed by the City Manager.

### **Re-Appointment to the Moundsville Housing Authority.**

Fred Oelschlager sent a letter to City Manager Hendershot asking to be re-appointed to the Moundsville Housing Authority. Also, a letter was submitted by the Housing Authority in favor of Mr. Oelschlager. Manager Hendershot will make the re-appointment.

### **Other Items to be Discussed by Manager:**

#### **Moundsville Police Civil Service Commission.**

Manager Hendershot reported the Moundsville FOP has reappointed Mike O'Donnell to the

Moundsville Police Civil Service Board.

### **United States Environmental Protection Agency.**

Manager Hendershot received a letter from the United States Environmental Protection Agency who is in opposition of the change in the revolving loan fund programs.

### **CGI Link.**

Manager Hendershot announced CGI Link is now on the City of Moundsville website.

### **Chesapeake Appalachia LLC**

Manager Hendershot provided council with an update on the offer to the City of Moundsville by Chesapeake Appalachia LLC. The original offer was \$2800 per acre leaving that offer on the table even after the city required no drilling on the property, which is about \$148,170.00 and 18.75% royalties.

### **FEMA Audit.**

The City of Moundsville received an audit from FEMA reviewing the city's floodplain ordinance permit, FEMA viewed 20 years of building permits. They toured the city and inspected the floodplain making some suggestions to the city's ordinance. FEMA also offered training to the new Building Inspectors.

### **Energy Efficiency Grant.**

Manager Hendershot submitted the city's Energy Efficiency Grant with Belomar that included HVAC upgrades for the City Building of 2 five ton units and new double pane window units.

### **WebQA Inc.**

Manager Hendershot participated in a web training by WebQA Inc. The cost of \$200 per month and a one time \$1500 implementation fee would provide a tab on the city's website that would allow the name of every business in town to be linked on that website. The business would then be able to building up their area of the site with applications, coupons, sales etc. Manager Hendershot suggested discussing this with MEDC and the Chamber of Commerce to participate in the cost. Council will discuss this information at the Finance Committee.

### **MAYOR ITEMS:**

\* Mayor Wood asked Chief Kudlak for any updates on the Knights of Pythius building. Chief Kudlak reported meeting with McKinley & Associates who have looked at the building and think the building is feasible for the use of a Police Department.

\* Mayor Wood asked Chief Kudlak if there was a possibility of purchasing more police cruisers. Chief Kudlak submitted bid specs for four used cruisers.

\* Mayor Wood asked Attorney White on the progress of the easement for Ninth Street by the National Guard Armory. Attorney White commented that he is in the process of looking at the properties at the court house.

\* Mayor Wood asked for an update on the memorial for Julian Berisford. Manager Hendershot reported speaking with the family and discussed the same arrangements but a date has not been set.

### **COMMITTEE REPORTS:**

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

Councilperson Wallace scheduled a finance meeting on Tuesday, July 13, 2010 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:**

\* **DeWitt** - Asked if the Riverfront Park Pavilion roof been repaired. Councilperson Saunders commented that the Parks & Recreation Board was going to contact Mr. Yanen and discuss repairing the shingles.

\* Reported Garfield Street between Pearl Street & 12<sup>th</sup> Street needs some attention.

\* **Saunders** - Wished to thank Street Commissioner Richmond for the work he and the Street Department has done.

\* Requested more police patrol in the area of Poplar Avenue & Jackson Street vehicles not stopping at the stop sign.

\* Asked Attorney White if he finished the easement needed for a water line at the Roberts property on Highland Avenue? Attorney White will work on the easement and research the responsibility of the city.



\* **Haynes** - Asked Manager Hendershot what he has found out about having the trees cut on Locust Street & Stewart Street. Manager Hendershot reported notifying AEP and Asphlund who is in the area doing work for the Electric Company.

\* Reported high grass at 49 Linden Avenue.

\* **Young** - Asked when the hydrant leak at First Street & Jefferson Avenue will be fixed? Manager Hendershot reported Superintendent Bill Dove said they are having problems because the Water Department can not get the lines shut off well enough to isolate the hydrant to repair it.

\* Requested Cherokee Drive starting at the Jefferson Avenue extension needs paved.

\* Thanked Fire Chief Clarke for burning the brush piles at Valley Fork Park baseball fields.

\* Reported a sign on First Street needed refaced.

\* Wished to thank everyone involved in spreading the dirt on the baseball fields at Valley Fork.

\* Thanked the Street Department for cutting the grass on Cedar Avenue.

\* Thanked the City Employees for their hard work.

\* **Wallace** - Has any of council thought about leaving the police department at the city building because they are already established and moving the front office to the Knights of Pythius building. Manager Hendershot had given that some thought, but the council chambers would have to remain at the City Building because there is no room big enough at the Pythius building.

\* Reported a no parking sign at 1023 Morton Avenue and a blank sign at 1012 Morton Avenue that need refaced.

\* Reported the bike lane at the walking trail needs repainted.

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

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

Meeting adjourned at 8:40 p.m.

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Sondra J. Hewitt, City Clerk

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David Wood, Mayor