

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
JULY 7, 2009**

The Council of the City of Moundsville met in regular session in the Council Chambers on July 7, 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 Commissioner Richmond, CPA Kathryn Goddard, City Attorney Thomas White and City Clerk Hewitt. Absent: Building Inspector Don Wise.

**MINUTES:**

**Regular Council Meeting of June 16, 2009.**

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of June 16, 2009, seconded by Councilperson Saunders. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\* Carmina Oakland, 29 Fostoria Avenue, informed council that she received a letter from the City's Insurance company denying her claim of water damage. She asked if the insurance agent was on site to view her damages. She also wants to know who is going to keep the drain free from debris so this won't happen again.

Manager Hendershot was not sure if the insurance agent viewed the damages and stated that the city is keeping the drain free from debris, even though the drain is not their responsibility.

\* Mike Gunto, 2411 Kanawha Street, reported sewers backed up into this basement during the last heavy rain and wanted to know that the city was going to do to keep this from happening again.

Manager Hendershot reported the Street Department found a collapsed pipe on Kanawha Street and hopes that repairing the pipe will prevent this from happening again. Councilperson Simms told Mr. Gunto the Sanitary Board will provide a "flow valve" to residents that are having the problem of water backing into their basements. The resident will have to install the flow valve themselves.

\* Kent Jones, 418 Glenwood Avenue & Derrick West, both representing the Moundsville

Baseball Association, expressed how upset and ashamed they were that Recreation did not assist in cleaning up the Valley Fork ballfield after the flood in time for the Beast of the East Tournaments. They commented that Moundsville Council should be ashamed that people from all over the country participated in this tournament and left a baseball facility in the shape it was in. However, they did thank Councilperson Saunders and Fire Chief Noel Clarke for their assistance.

\* Irene Hammers, 21 Clive Avenue, Hillview Terrace, reported large amounts of water running down Harmony Drive breaking her basement window and flooding her basement.

Councilperson Saunders reported the large culvert on Harmony Drive being plugged up.

\* Ed Tomlinson, 14 Clive Avenue, reported his yard and basement also being flooded. He thinks the water diverted to Clive Avenue because of a drainage ditch being filled with very large rocks. Mr. Tomlinson presented pictures to council of the area residents are talking about.

\* Margaret Turner, 15 Clive Avenue, reiterated the problems residents are having when it rains. She hopes that council members will take action on the problem.

\* Rose Sloan, 501 Tenth Street, presented a petition of residents from the Golden Towers and Helper Pavilion asking for the bus service to stop on 10<sup>th</sup> Street for Moundsville residents.

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

\* Anna Louise Yoho, 16 Clive Avenue, also complained of the water running down her driveway every time it rains.

### **OLD BUSINESS:**

\* Mayor Wood asked if Auto Choice was going to attend a council meeting. Attorney White reported that Auto Choice will be at the July 21<sup>st</sup> Council Meeting.

\* Councilperson Saunders asked for an update on A Touch of Everything building on Second Street. Manager Hendershot reported that Mr. Morris signed a contract with a 45 day removal period.

\* Councilperson Haynes asked if RAZE has quit on the Fostoria job. He has not seen any clean up there lately. Manager Hendershot reported RAZE received another contract and had to move some equipment for a short period of time to a paying job. Councilperson Haynes asked that Manager Hendershot invite Mr. Games to a Council Meeting to answer some questions.

### **NEW BUSINESS:**

**Discussion and Approval of an Ordinance Pertaining to Compensatory Time Off. (First Reading)**

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

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, TO AMEND SECTION 155.06(b) and (d) OF THE EMPLOYEE POLICY REGULATIONS PROVIDING FOR INSURANCE BENEFITS AFTER NINETY DAYS OF EMPLOYMENT WITH THE CITY. (FIRST READING)**

Councilperson Simms made a motion to approve the above ordinance, seconded by Councilperson Haynes.

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 an Ordinance Pertaining to Eligibility for Health Insurance Benefits for City Employees. (First Reading)**

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

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, TO AMEND THE EMPLOYEE POLICY REGULATIONS OF THE CITY BY IMPLEMENTING AND PROVIDING FOR COMPENSATORY TIME OFF IN LIEU OF OVERTIME PAY FOR CITY EMPLOYEES. (FIRST READING)**

Councilperson Simms made a motion to accept and approve the employee policy ordinance, seconded by Councilperson Saunders for discussion.

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 an Ordinance Amending Existing Rates for the Sanitary Board. (First Reading)**

Attorney White read the Sanitary Board Rate Increase ordinance by title only to be passed by council on first reading:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING THE EXISTING RATE SCHEDULES FOR THE SANITARY DEPARTMENT OF THE CITY OF MOUNDSVILLE. (FIRST READING)**

Councilperson Simms made a motion to accept and approve the Sanitary Board Rate Increase ordinance, seconded by Councilperson Haynes.

Mayor Wood announced that Sanitary Board Attorney James Kelsh is on hand to answer any question or explain the rate increase. Councilperson Saunders asked that Mr. Kelsh enlighten them on the matter.

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

Manager Hendershot announced that second reading for this ordinance will be on August 4, 2009 same time as the WV Municipal League Conference. Councilperson Saunders moved to reschedule council meeting to August 3, 2009 at 7:00 p.m., seconded by Councilperson DeWitt.

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.

**Discussion and Approval of Used Vehicle Bids.**

Bids were received on July 1, 2009 for the following city vehicles from A-1 Auto Parts, Wheeling WV for a total amount of \$1158.00:

1. 2000 Ford Crown Victoria	\$256.00
2. 1998 Pontiac Transport Van	\$156.00
3. 1984 Chevrolet Blazer	\$256.00
4. 1991 Ford Dump Truck	\$412.00
5. 1984 Chevrolet Blazer	\$ 78.00

Councilperson Simms made a motion to accept the bid from A-1 Auto Parts in the amount of \$1158.00, seconded by Councilperson Haynes.

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.

**Discussion and Approval of Garbage Truck Bids.**

A memo was presented to council from Street Commissioner Richmond expressing his recommendation to accept the bid from WV-Ohio Motor Sales Inc for a Chassis & Heil Packer in the amount \$175,922.00 without a trade in.

Councilperson Simms made a motion to accept the bid from WV-Ohio Motor Sales Inc in the amount of \$175,922.00, seconded by Councilperson Haynes.

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 Moundsville Water Board. (Council's Appointment)**

The Moundsville Water Board submitted a letter requesting that Thomas Ferris be re-appointed to the board. Also, Mr. Ferris submitted a letter expressing his interest to serve another term. A third letter was submitted by Mr. William Gates showing his interest to serve on the board.

Councilperson Haynes made a motion to re-appoint Thomas Ferris to the Moundsville Water Board, seconded by Councilperson Young.

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 for the 2009-2010 Coal Severance Budget Revision.**

Manager Hendershot reported that \$3000 was carried over from 2009 to 2010 in the Coal Severance.

Councilperson Simms made a motion to approve the resolution for the 2009-2010 Coal Severance Budget Revision, seconded by Councilperson Wallace.

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.

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

Councilperson Simms asked Manager Hendershot about the Recreation grant. Manager Hendershot reported that he provided that for council's information. He had been discussing this grant with council and trying to maintain a match for the camp grounds. The alternative would be that the property would remain part of the Parks & Recreation.

**MANAGER ITEMS:**

**Ribbon Cutting.**

Manager Hendershot, Councilperson DeWitt and Saunders attended the ribbon cutting at A Yarn Among Friends on Jefferson Avenue.

### **Feasibility Study for Sanford School.**

Manager Hendershot reported that council received information and read in newspapers of the feasibility study on Sanford School. Manager Hendershot would like public input for the study. Forms can be obtained at the City Building.

### **Moundsville Police Department Training.**

A summary was provided to council from Police Chief Kudlak for 2403 hours of completed training in the Police Department. Also, PFC Baker & Sayman have completed their academy training.

### **PRO (Prevention Resource Officer).**

Manager Hendershot announced that Moundsville received a Recovery Act: Justice Assistance Grant award for \$31,000. Funds will provide for a Prevention Resource Officers (PRO) at Moundsville Middle School. Manager Hendershot thought since Moundsville already had a PRO at the Middle School, this grant would relieve the city of the responsibility of the officer that is shared with the Marshall County Board of Education. However, Chief Kudlak advised Manager Hendershot that the grant provides for a fully funded position that has to be back filled by the city.

Councilperson Young made a motion to send this matter to the Finance Committee, seconded by Councilperson Simms.

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.

### **Strand Theater Conservation Preservation Organization.**

Manager Hendershot was contacted by the Strand Preservation Organization asking that council waive the permit fees on a \$200,000.00 air conditioning unit. The contractor would be paying the B&O Tax.

Councilperson Saunders made a motion to waive the permit fees for the Strand Theater Preservation Organization, seconded by Councilperson DeWitt.

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.

### **MAYOR ITEMS:**

Mayor Wood commented on three items on his list that Manager Hendershot already answered.

### **COMMITTEE REPORTS:**

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

Councilperson Wallace scheduled a finance meeting on July 14, 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 Councilperson Saunders what the response was from the Parks & Recreation Board concerning the grass cutting contract. Councilperson Saunders commented that the Board is going to look into hiring summer workers next year and using the city's equipment.

\* Also has the Parks & Recreation Board looked at the budget to see if they were over before giving raises. Councilperson Saunders commented that they did not. The Board figured the funds would come from the pool and not affect anything else.

\* Reported something needs done with the trailers at 1603 & 1605 Ruby Street. Fire Chief Clarke commented that he has not received a work order on those properties yet. Manager Hendershot advised Chief Clarke to move forward on those.

\* **Wallace** - Reported the sign at the Riverfront Park located at the south end has been knocked down & needs replaced. This sign reports the hours of the parks.

\* Reported the weeds on 14<sup>th</sup> Street behind 84 Lumber need cut. Discussion was held as to whether or not the responsibility was 84 Lumber or the City. Manager Hendershot thought it is the responsibility of 84 Lumber. Police Chief Kudlak and Street Commissioner Richmond commented that 84 Lumber dispute on that matter.

\* Reported a problem with the traffic light at Rt.2 & Teletech Drive. Light does not stay green for traffic coming on Lafayette Avenue. Manager Hendershot will report the problem to the state.

\* Commented that he agrees with the Baseball Association concerning the cleanup of the Valley Fork Baseball Fields and realizes the shortage in staff but the Beast of the East is a very large

tournament and things should have been addressed. Manager Hendershot commented that the city was also dealing with flooded streets, alleys and resident's basements.

\* **Young** - Congratulated the officers who graduated from the police academy.

\* Wished to thank Fire Chief Noel Clarke for his assistance in the NIMS training.

\* Reported the area patched by the Water Department on Poplar Avenue has peeled up.

\* **DeWitt** - Questioned why the curb painters painted red in front of Central School doors on 7<sup>th</sup> Street and not by the fire hydrant. Fire Chief Clarke advised that the Fire Department connection is at the right inside the doors.

\* Asked when will council prioritize the remaining street on the paving list. Manager Hendershot advised council can start working on the list in December/January.

\* **Saunders** - Wished to thank both the City Fire Department and the Volunteer Fire Department for helping at the Valley Fork baseball fields.

\* Reported a drum located on Filbert Avenue where the sidewalk was tore up. Manager Hendershot informed the Water Department.

\* Reported a lot of holes on Fifth Street.

\* Asked when the repair of Highland Avenue was going to begin. Manager Hendershot advised they are waiting on Klug's to notify the city of their beginning date.

\* **Haynes** - Reported a tree at 12<sup>th</sup> & Jefferson Avenue obstructing the view of while at the stop sign looking east.

\* Asked the Street Department to make signs for owners to clean up after their dogs in the area of Parriott Avenue.

Manager Hendershot commented on the great fireworks provided by the city and also thanked the Moundsville Street Department, Fire Department for their assistance for set up and clean up.

Councilperson Simms made a motion to adjourn, seconded by Councilperson Wallace. 7 yeas. Motion carried unanimously.

Meeting adjourned at 8:35 p.m.

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Sondra J. Hewitt, City Clerk

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David Wood, Mayor