

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE**  
2 **JULY 19, 2011**

4 The Council of the City of Moundsville met in regular session in the Council Chambers on  
5 July 19, 2011 at 7:00 pm.

6  
7 Meeting was called to order by Mayor Dennis Wallace.

8  
9 Invocation was given by Councilperson K Mark Simms.

10  
11 Acting City Clerk Ankrom called the roll and the following Councilpersons were in  
12 attendance: DeWitt, Haynes, Remke, Saunders, Simms, Wood, and Mayor Wallace. Also  
13 present: City Manager Hendershot, Police PFC McCallen, Fire Chief Clarke, Public Works  
14 Director Richmond, Building Inspector Schneider, CPA Kathryn Goddard, Attorney Thomas  
15 White and Acting Clerk Ankrom. Absent was City Clerk Hewitt (vacation).

16  
17 **MINUTES:**

18 **Regular Council Meeting of July 5, 2011**

19 Councilperson Haynes made a motion to accept the minutes as presented, Vice Mayor  
20 Saunders seconded, and motion carried unanimously.

21

22 **GENERAL PUBLIC HEARING:**

23 John Price, representing the Rally in the Valley for Coal, was unable to attend the meeting.

24

25 Ricard King, owner of Uniquely Yours on Jefferson Avenue, clarified for City Council the  
26 merchants' plans to install 18 speakers on the light poles along the Avenue. Underground  
27 wiring is already present; therefore, the only extension that would have to be made is from  
28 the BB&T parking lot at 5<sup>th</sup> Street and Jefferson Avenue to the Strand Theater, from which  
29 the music will be controlled. Mr. King explained that the music would be appropriate, not  
30 blaring, and broadcast from 9:00 am until 6:00 PM, unless business hours were extended for  
31 a special occasion. There would be no cost or labor required by the City, as the  
32 Beautification Committee would pay for and maintain the speakers.

33

34 Christopher Morris of 72 Walnut Avenue has discussed with Councilperson Haynes the issue  
35 of a barking dog in his neighborhood. Councilperson Haynes has talked to the offending  
36 neighbor, but does not see an easy solution. Mr. Morris has been recording the dates and  
37 times that the dog has been left outside unattended; however, he was advised to contact  
38 the Moundsville Police Department at the next occurrence, as nothing can be done unless  
39 the act is witnessed by an officer.

40

41 H Carl Boso Jr of 308 10<sup>th</sup> Street presented concerns about Vice Mayor Saunders taking  
42 pictures at his property, which Vice Mayor Saunders denied doing. Mr. Boso also noted that  
43 he has seen heavy vehicles hauling on bridges and streets that they are not allowed to be  
44 traveling on. Manager Hendershot will address the bridge traffic; however, he explained  
45 that trucks are allowed to travel city streets when going to and from a local job site.

46

1 **OLD BUSINESS:**

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

3 \*Vice Mayor Saunders reminded that he has previously asked for additional patrols at Poplar  
4 Avenue and Jackson Street, as vehicles are not stopping at the Stop sign.  
5

6 \*Vice Mayor Saunders asked about the status of 329 Thorn Avenue. Attorney White and  
7 Chief Clarke confirmed that the issue is being handled through Moundsville Municipal Court,  
8 and the Court Judge has been granting extensions so that work can be done. Also,  
9 Inspector Schneider noted that the fence issue will be addressed at the September Zoning  
10 Appeals Board Meeting. Manager Hendershot confirmed that the Police Department can  
11 follow up if there are new complaints; and Attorney White stated that a neighbor would  
12 need to testify in court to seeing rodents escaping the house, which Councilperson Saunders  
13 has been advised is happening. Discussion was held Council's previous requests to receive  
14 frequent status updates on dilapidated houses, which they understand take some time to  
15 address in a satisfactory manner.  
16

17 \*Councilperson DeWitt questioned status on FEMA purchasing of flood plain properties.  
18 Manager Hendershot explained that the County Commission has been working on that. He  
19 did know that some properties did not qualify, however, he will need to confer with  
20 Inspector Mercer to refresh his memory on the details.  
21

22 \*Councilperson DeWitt asked Chamber of Commerce Executive Director Dave Knuth, who  
23 was a member of the audience, whether the Farmer's Market accepted vouchers. Mr. Knuth  
24 confirmed that they did.  
25

26 \*Councilperson Wood asked about applications received for the Grant Writer position that  
27 was advertised, which Manager Hendershot noted that none have been returned although  
28 several inquiries were received.  
29

30 \*Councilperson Wood questioned status of paving projects. Manager Hendershot stated that  
31 funds were available, and streets were ready to be put out for bid at Council's consent.  
32

33 \*Councilperson Simms broached discussion on the deplorable condition of 345 Jefferson  
34 Avenue.  
35

36 \*Councilperson Remke noted that Police cruisers have been parking on the opposite side of  
37 Tomlinson Avenue; however, it was noted that this is usually occurring after regular  
38 business hours.  
39

40 \*Councilperson Remke noticed that the van parked behind the Knights of Pythias building,  
41 which had an inspection sticker expired in 2008, is still parked there. Manager Hendershot  
42 confirmed that this is being addressed.  
43

44 **NEW BUSINESS:**

45 **Discussion and Approval of Budget Revision #1 for the 2011-2012 General Fund Budget**

46 Vice Mayor Saunders made the motion to approve for discussion Budget Revision #1;

1 Councilperson DeWitt seconded. CPA Goddard explained that this was simply to correct the  
2 beginning fund balance, as required by State Code, after adjustments were made to close  
the 2010-2011 budget year. Mayor Wallace asked for a roll call vote, and Acting Clerk  
4 Ankrom announced the following tally: six yeas, one nay, with Councilperson Remke voting  
5 nay, as he does not yet thoroughly understand the budget process. Motion carried.  
6

7 **Discussion and Approval of Budget Revision #1 for the 2011-2012 Coal Severance Fund**  
8 Councilperson DeWitt made the motion to approve for discussion Budget Revision #1;  
9 Councilperson Haynes seconded. CPA Goddard has not received a response answering how  
10 Coal Severance disbursements are calculated. Discussion was held on how the City's annual  
11 library contribution, which has not increased in several years, is calculated. Mayor Wallace  
12 asked for a roll call vote, and Acting Clerk Ankrom announced the following tally: six yeas,  
13 one nay, with Councilperson Remke voting nay. Motion carried.  
14

15 **Discussion and Approval of Bid for ADA Restroom & Ramp at Police Department Building**  
16 Vice Mayor Saunders made the motion to approve the bid, which was seconded by  
17 Councilperson Haynes. Manager Hendershot reminded Council that this is for the Change of  
18 Scope made on the CDGB Housing Rehabilitation Grant, as there were not enough funds to  
19 remodel an additional house. One bid, which met all the specifications, was received from  
20 Billy Pryor General Contracting for \$25,790.00. No City funds will be used, to add a ramp  
21 and hand rails at the Tomlinson Avenue entrance, and handicap accessible bathroom at the  
22 Knights of Pythias building.  
23

24 **Discussion and Approval of an Appointment to the Housing Authority**  
25 Manager Hendershot explained that HUD requires at least one member on the Housing  
26 Authority Board be a resident. Marilyn Carlson was the only resident, of the several  
27 applications submitted, therefore she will be re-appointed.  
28

29 **Discussion and Approval of Vendor Exemption at the Marshall County Fair**  
30 Councilperson Wood made the motion to approve the business license exemptions for  
31 vendors at the Marshall County Fair. Motion was seconded by Councilperson Remke and  
32 carried unanimously.  
33

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

35 Councilperson Remke broached discussion on providing more follow up once building  
36 permits are issued. Although City Building Inspectors are required to inspect plumbing and  
37 electrical work for compliance with various code regulations, if homeowners are left with  
38 "shoddy workmanship," they must handle that themselves. It was confirmed that the  
39 Building Inspectors have received updated Code books.  
40

41 Councilperson Remke noted that the hanging baskets will be removed during sewer line  
42 work on Jefferson Avenue.  
43

44 Councilperson Remke would like to see the parking meters between 2<sup>nd</sup> and 3<sup>rd</sup> Streets  
45 replaced. Manager Hendershot noted that the meters have been received, and Meter  
46 Attendant Baker is putting them together.

1 Councilperson Remke would still like to see more of his Council packet sent via digital  
2 media.

4 Councilperson DeWitt noted that the Stop sign at 8<sup>th</sup> Street and Grant Avenue should be  
5 placed closer to the curb.

6  
7 Councilperson Simms prompted discussion on circulating petitions relating to the Fairground  
8 road being closed. Manager Hendershot explained that the road is usually closed just  
9 enough to be considered a private road; but it has been closed more frequently due to the  
10 poor condition. The extension of Short Poplar Avenue, according to Manager Hendershot,  
11 should be addressed as the City's Comprehensive Plan is updated. Further discussion on  
12 Fairground Road will be held at the Traffic Committee meeting.

13  
14 **MANAGER ITEMS:**

- 15  
16 • Manager Hendershot introduced the City's new Police Chief, Thomas Mitchell, who  
17 comes with 27 years of law enforcement experience. Chief Mitchell expressed his  
18 gratitude at the opportunity to serve the City of Moundsville and its residents.  
19
- 20 • Manager Hendershot informed Council that, due to another resignation, the Moundsville  
21 Planning Commission is three members short of a full board.  
22
- 23 • Manager Hendershot has been in contact with Professor Dougherty at WVU, who will  
24 assist with drafting the Request for Proposal to update the City's Comprehensive Plan.  
25 An update is required by all governmental entities by 2014, and every 10 years  
26 thereafter.  
27
- 28 • Manager Hendershot apologized to Council, city residents, and Jefferson Avenue  
29 business owners for the confusion over traffic pattern changes during construction on  
30 Jefferson Avenue. Manager Hendershot requested that the newspaper publish that  
31 businesses are open as usual, and detour changes will be made as work continues  
32 through the fall. The contractor has been very helpful and cooperative in dealing with  
33 frustrations caused by the changing patterns.  
34
- 35 • Manager Hendershot noted that the Lafayette Avenue work will continue for at least a  
36 couple more months, as that stretch of road has not been overhauled since installation  
37 in the 1970s. Both lanes, traveling in both directions, will be redone. Bridge painting  
38 will be done soon as well, causing lanes to also be blocked on the bridge to Ohio.  
39
- 40 • Manager Hendershot has been in discussions with the Department of Natural Resources  
41 and discovered that a temporary connector can be installed to divert debris from piling  
42 up at the 13<sup>th</sup> Street docks. Those docks will be relocated in the future, according to  
43 information given to Councilperson DeWitt.  
44
- 45 • Manager Hendershot was in Charleston last week to receive a \$25,000.00 grant for the  
46 Prevention Resource Officer.

- 1 • Attorney White asked for a moment to present legal ads to be received and filed. The  
2 ads consisted of two civil suit filings for unpaid utility bills and Planning Commission  
3 notices for 1007 Thompson Avenue and 10<sup>th</sup> Street and Thompson Avenue.  
4 Councilperson Simms made the motion to receive and file the legal ads. Motion was  
5 seconded by Councilperson DeWitt and carried unanimously.  
6

7 **MAYOR ITEMS:**

- 8  
9 • Mayor Wallace confirmed that he has seen a few of the accidents occurring on Route 2.  
10 It was noted that the State is paying for an off-duty police officer, as well as a stipend  
11 for cruiser use, to watch traffic along the route.  
12  
13 • Mayor Wallace made a motion authorizing Manager Hendershot to obtain more  
14 information from the company that wants to develop land along the riverfront for a  
15 camp area, with the stipulation that some land be left for use by the Recreation  
16 Department. Motion was seconded by Councilperson Haynes for discussion. Manager  
17 Hendershot confirmed that the company has been in ongoing conversations with the City  
18 Building Inspectors, as they are also interested in other areas within Moundsville limits.  
19 City Council will determine how to divert any forthcoming revenue. Mayor Wallace  
20 asked for a roll call vote, and Acting Clerk Ankrom announced the following tally: four  
21 yeas, three nays, with Councilpersons DeWitt, Saunders, and Wood voting nay. Motion  
22 carried. Brief discussion was held on forming a Port Authority, which was not a  
23 successful venture in previous years.  
24  
25 • Mayor Wallace congratulated Police Chief Mitchell, who will assume his duties on  
26 Monday.

27  
28 **COMMITTEE REPORTS:**

29 **Discussion and Approval of Recommendations by the Finance Committee**

30  
31 **1 Discussion of Purchasing Materials for Jefferson Avenue Decorations (Cornstalks)**

32 Councilperson Wood made the motion to purchase cornstalk decorations for the Jefferson  
33 Avenue light poles; motion was seconded by Councilperson Remke. The cornstalks will be  
34 \$7.00 each for the 38 poles, and paid from the Jefferson Avenue Beautification Fund.  
35 Councilperson Remke made an amended motion to include that payment will come from  
36 the Beautification account. Motion was seconded by Councilperson Wood and carried  
37 unanimously.  
38

39 **Discussion of Sponsoring Wind Symphony for July 2012**

40 The issue of sponsoring the Wind Symphony in July 2012 was tabled at this time.  
41

42 **Discussion of E-Government Solutions with Sara McDowell**

43 After lengthy discussion, there was no action taken in the pursuit of contracting with E  
44 Government Solutions.  
45

46 **2 Discussion of Authorizing Placement of Speakers on Jefferson Avenue Street Light Poles**

1 Councilperson Remke made the motion to approve placement of the speakers on the  
2 Jefferson Avenue light poles. Motion was seconded by Mayor Wallace for discussion.  
3 Attorney White recommended that Council draft a franchise document explaining the rights  
4 and responsibilities of the Beautification Committee as well as how much control City  
5 Council will have. There should also be a time frame for the document to expire in the  
6 event that the dynamics of each organization changes. Mayor Wallace will appoint  
7 members of Council to meet with the Beautification Committee to formulate a mutually-  
8 amicable agreement, which should be prepared for the next City Council meeting. Mayor  
9 Wallace made the motion to table the issue until the next Council meeting, and motion was  
10 seconded by Vice Mayor Saunders. Mayor Wallace asked for a roll call vote, and Acting  
11 Clerk Ankrom announced the following tally: five yeas, two nays, with Councilpersons  
12 Remke and Simms voting nay. Motion carried.  
13

14 **Discussion of Cable Franchise Renewal**

15 Attorney White will review the current franchise agreement to report proposed changes at  
16 the next Policy Committee meeting. Attorney White explained that, although the franchise  
17 agreement is not “exclusive,” the City may not receive the quarterly franchise fee, if an  
18 agreement is not entered into.  
19

20 **Discussion and Approval of Recommendations by the Traffic Committee**

21 Chief Clarke, after conferring with Manager Hendershot and Waste Water Superintendent  
22 Bonar, met with the Moundsville Economic Development Council to discuss the Zombie Walk  
23 to be held this fall. The line up and parade route will be similar to the Christmas Parade;  
24 however, this is dependent upon construction progress on Jefferson Avenue. Vendors will  
25 not be allowed to set up on the fenced sidewalks; however, the BB&T parking lot could be  
26 available. The MEDC has been very cooperative, per Chief Clarke, and even arranged for  
27 youth groups to be available for street cleanup after the parade. It was agreed that Chief  
28 Clarke would be the Council liaison to the MEDC for this function.  
29

30 Vice Mayor Saunders reported that the street paving issue was tabled until bids are  
31 received.  
32

33 **Discussion and Approval of Recommendations by the Policy Committee**

34 **1 Discussion of Requiring Residents to Place Garbage Cans in the Rear of Their  
35 Residence After Being Emptied**

36 Vice Mayor Saunders made the motion for Attorney White to amend the existing sanitation  
37 ordinance requiring trash containers to be moved after being emptied. Motion was  
38 seconded by Councilperson Wood for discussion. Councilperson DeWitt explained that,  
39 residents who have their garbage picked up in the front of their residences, will need to  
40 move their containers immediately after emptying, as they become a nuisance when left  
41 sitting at the curb for lengthy periods. Attorney White noted that the language has been  
42 significantly completed. Motion carried unanimously.  
43

44 Councilperson DeWitt commented that no action was taken on the ordinance pertaining to  
45 rental housing registration and inspections.  
46

1 Attorney White has already done some research on ordinances pertaining to salaried  
2 employees working at other jobs while on City time. Councilperson Wood read Employee  
3 Policy 155.02(b)(1) and 155.02(b)(9) which relate to employees engaging in outside  
4 employment or other activities which interfere with their official duties or require them to  
5 be absent from their duty station. Attorney White should have clear guidance on what  
6 Council can and can not order, in regard to this issue, at the next Policy Committee  
7 meeting.

8  
9 **COUNCIL ITEMS:**

10 \* **Remke** - Nothing at this time.

11  
12 \* **Wood** - Asked about Mercuria Energy and the purchasing of effluent water, as was  
13 discussed at the June Sanitary Board meeting. Manager Hendershot explained that  
14 Mercuria purchases the processed water from waste water treatment plants, then resells it  
15 for the fracturing process.

16 \* Asked whether a Family Resource Center Director has been hired for the Sanford Center,  
17 which Manager Hendershot says one has not.

18 \* Expressed displeasure at the lack of progress at the Fostoria site. Manager Hendershot  
19 has not received a response after several calls to Mr. Brown.

20 \* Noted that 605 households have purchased the sewage insurance.

21 \* Congratulated Police Chief Mitchell.

22  
23 Mayor Wallace asked for volunteers to meet with the Jefferson Avenue Beautification  
24 Committee to discuss the speaker issue. Councilperson Simms, Vice Mayor Saunders, and  
Councilperson Haynes volunteered, in that order.

26  
27 \* **Simms** - Nothing at this time.

28  
29 \* **Haynes** - Will bring a list, to Manager Hendershot, of four vehicles that need to be towed.  
30 \* Would like to see a Stop sign placed at Forest and Simpson Avenues.

31  
32 \* **Saunders** - Was advised to turn in Ohio license plated vehicles to the Police Department,  
33 who can work with the Assessor's Office to track down violators.

34 \* Advised that resumes received for the Recreation Director position will be reviewed at  
35 Thursday evening's Board meeting.

36 \* Also expressed exasperation at the lack of progress on the Fostoria site.

37  
38 \* **DeWitt** - Asked that City parking lot lines be painted, as they are very faint. The lot  
39 beside Ruttenbergs will be done after Jefferson Avenue construction is completed. It was  
40 noted that curbs painted with the new sprayer look very nice and bright.

41 \* Defended Office Supervisor Hess for maybe not explaining the budget as clearly as  
42 Manager Hendershot and CPA Goddard can, since Supervisor Hess does not work with it as  
43 often as they do.

44 \* Welcomed and congratulated Police Chief Mitchell.

45  
46 Councilperson DeWitt made the motion to adjourn, which was seconded by Councilperson

1 Haynes. Meeting adjourned at 8:45 PM.

2

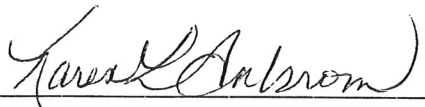
4

5

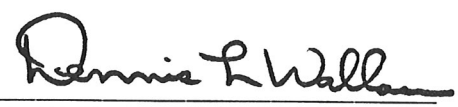
6

7

8



Karen L. Ankrom, Acting City Clerk



Dennis Wallace, Mayor