

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
SEPTEMBER 21, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on September 21, 2010 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation was given by City Manager Hendershot.

A moment of silence was held in remembrance of Hugh Anderson.

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

MINUTES:

Regular Council Meeting of September 7, 2010.

Councilperson DeWitt made a motion to accept and approve the minutes of the regular council meeting of September 7, 2010, seconded by Councilperson Haynes. Motion carried unanimously.

Presentation for Sanford Center Members.

Mayor Wood presented Sanford Center Members Dara Pond, Della Deskins and City Manager Hendershot with certificates of appreciation for the work they have done at the Sanford Center.

Presentation of Certificates to Police Department from Governor's Highway Safety Program.

Mayor Wood presented certificate of achievements to Police Chief Kudlak for the Moundsville Police Department and Cpl. Steve Kosek for issuing the most seat belt violations in Region 4.

GENERAL PUBLIC HEARING:

* Lester Tasker, 1407 Tenth Street, asked for more patrol from the Police Department.

* George Kachalo, 31 Fostoria Avenue, asked why are police allowing his neighbor to leave his vehicle run while parked against Mr. Kachalo's back porch. Police are checking the area to see when the violation is occurring.

OLD BUSINESS:

Discussion and Approval of a Zone Change Ordinance for 1206 Purdy Avenue from RM to CCCH. (Second Reading)

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

AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA ON PURDY AVENUE IN THE CITY OF MOUNDSVILLE FROM A MULTI-FAMILY RESIDENTIAL ZONE TO A COMBINED CENTRAL BUSINESS AND HIGHWAY COMMERCIAL AND INTEGRATED COMMERCIAL CENTERS ZONE. (SECOND READING)

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

Councilperson Wallace asked if anyone in the audience was present to oppose the zone change ordinance. With nobody present to oppose the ordinance, Mayor Wood called for a voice vote. City Clerk announced the following tally. DeWitt, Haynes, Saunders, Wallace and Mayor Wood voting yea. Young voting nay. 5 yeas, 1 nay. Motion carried.

Discussion of Denial Letter from DOH Concerning the 4 Way Stop at the Intersection of Fifth Street & Jefferson Avenue.

Councilperson Wallace made a motion to receive and file the denial letter from DOH and have the letter published in the paper, seconded by Councilperson Young. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Wallace reported that council members met at the Fostoria site for a walk thru. He asked Manager Hendershot for an update since the tour. Manager Hendershot reported that council members attended a walk thru with a representative of RAZE and a representative from Thrasher Engineering, who identified all of the parts from the Brownfields Grant, which now allows Thrasher to begin the process of closing the grant. The stacks will be removed after the site is pretty well cleaned up. The voluntary mediation plan needs to be applied for to obtain a certificate of completion on site. Once the certificate is obtained it will provide protection for the city and any other future owners for litigation of asbestos on the site.

* Councilperson Young asked Sanford Center Committee member Dara Pond if the center was going to provide after school programs this spring? Ms. Pond said the center has been recommended for after school programs with a \$100,000 grant by Congressman Mollohan. The

center is hoping to receive the grant so they can offer these programs.

* Councilperson DeWitt asked for an update on the purchase of scales for overweight trucks coming through Moundsville. Manager Hendershot reported that Chief Kudlak contacted a vendor used by the state. He also spoke with Cameron Chief Younger to train Moundsville Officers on the use of the scales.

* Councilperson Saunders asked for an update on the Knights of Pythias building for the Police Department. Chief Kudlak reported completing the drawing of the building and submitted them to McKinley & Associates. The city needs to give McKinley a proposal on how the city would like to see the building and layout. Once that is complete, McKinley should be able to give the city some kind of square footage price.

* Councilperson Saunders asked for an update on the property at East End. Manager Hendershot reported that Stegman & Schellhase found an old area map showing the development of Four Seasons Pool. The map shows the fence was to be placed on the edge of the city property which would have incorporated that alleyway. The city will have to have some lines shot to see exactly where the city's property is.

* Councilperson Saunders updated council on the Skateboard Committee. The committee is hoping to have Jeffery Company from Pittsburgh build the park estimating a cost of \$136,000. The final plans have been approved. The committee is continuing to apply for grants.

* Manager Hendershot commented to council concerning the weight scales that council had asked if truck routes could be altered. Manager Hendershot commented that truck routes are implemented by city ordinance, which means the city can alter them any way they wish. However, DOH suggests that city council provide a connection to the State Routes (12th Street, Jefferson Avenue, First Street & Fourth Street) Mayor Wood asked for this item to be on Traffic Committee agenda.

NEW BUSINESS:

Discussion of Potential Bus Routes Pending Passage of Bond Issue.

Manager Hendershot contacted Mr. Hvizdos of the Regional Transportation Authority who provided a potential bus route pending passage of the bond issue. The proposed options include two city routes. An hourly trip from 6:00 a.m. to 6:00 p.m., on Rt.2 to the south shopping plaza making one or two stops on the highway, then north to Wheeling. The other route includes going through town and hourly connect on with the Wheeling trip at the Kroger lot.

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a Contractual Agreement with DEP for the Energy Grant.

Manager Hendershot again reported that Moundsville has been approved and received \$52,575

to upgrade the City Building with windows and heating & A/C. The city can now move forward with approval of the grant.

Councilperson DeWitt moved to approve the resolution authorizing the City Manager to enter into a contractual agreement with DEP for the Energy Grant, seconded by Councilperson Saunders. Motion carried unanimously.

MANAGER ITEMS:

Elizabethtown Festival.

Manager Hendershot reminded council and citizens of the Elizabethtown Festival on September 25 & 26, 2010 from 10:00 a.m. to 6:00 p.m. on Saturday, 11:00 a.m. to 6:00 p.m. on Sunday. Fireworks will be displayed Saturday evening at 9:00 p.m.

City of Moundsville Audit Report.

Manager Hendershot reported receiving the audit report from the State Auditors Office. A copy will be on file at the Clerk's Office if council would like to review it.

Thank You Card.

A "Thank You" card was sent to the Moundsville Street Department for assisting with Grand Vue Park Concert in memory of Christopher Remke. The card was sent by the Remke family.

Business After Hours.

The Marshall County Chamber of Commerce will sponsor Business After Hours hosted by Perkins on September 23, 2010 from 5:00 to 7:00 p.m.

Letter of Appreciation.

Manager Hendershot read a letter of appreciation from Rick Derrow for Terry Robert & Jeff Daugherty from the Moundsville Water Department and Jim Richmond & Frank Stocklask of the Moundsville Street Department for their help of a repair job at 403 Jefferson Avenue.

Thank You Card.

A "Thank You" card was received by Foshe Yost Young for the opportunity to apply for the SNAP program which assisted in having her cat neutered.

Fire Hydrant Report from Superintendent Bill Dove.

Manager Hendershot submitted to council a report from Water Department Superintendent Bill

Dove concerning the fire hydrant repairs in Moundsville.

Discussion of Trick or Treat in City of Moundsville.

Councilperson Saunders moved to hold Trick or Treat on Sunday, October 31, 2010 from 6:00 to 7:30 p.m.

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

MAYOR ITEMS:

Mayor's Proclamation to Rename the City of Moundsville Elizabethtown for the Weekend of September 25 & 26, 2010.

Councilperson Saunders made a motion to approve the Mayor's Proclamation, seconded by Councilperson Haynes. Motion carried unanimously.

* Mayor Wood asked for an update on determining the city limits for 206 Highland Avenue and 208½ Highland Avenue.

Manager Hendershot reported the resident of 206 Highland Avenue met with Jack Tusk, City of Moundsville Engineer, who reviewed the ariel view of the area. The view is still not clear and city council may want to recommend the engineer shoot the area for accurate lines.

* Mayor Wood asked for an update on the gas rights. Manager Hendershot reported that a second company has offered more money per acre and less at the well-head. He and Attorney White are waiting to see if the first offer will meet the second offer.

* Mayor Wood made comment to the officer at the dispatch center this evening asking if they are up to staff on dispatchers. Chief Kudlak reported the department is up to staff and training another dispatcher at this time. Two dispatchers are sick and another on military leave.

* Mayor Wood asked if Manager Hendershot decided which company the city employees will be utilizing for the pensions? Manager Hendershot will bring to the Finance Committee recommendations to be considered.

* Mayor Wood asked for update on paving. Manager Hendershot reported Klug's will be working from 7 p.m. to 7 a.m. paving Jefferson Avenue. When Klug's are complete, they will start paving Moundsville projects.

* Mayor Wood spoke with Building Inspector Mercer who reported approximately 800 residents obtained new roofs.

* Mayor Wood asked how will officials get the information to residents and the public concerning the housing ordinance that were passed tonight? Manager Hendershot reported that officials are working to get the paperwork in order.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Presentations were made by representatives from two companies concerning the employee's pension plan proposals. In attendance were Chris Karpinski of John Hancock and Cassie Finely of First Investors. Committee recommended the City Manager to review and bring recommendation back to council.

2. Presentation by Utility Service Partners Inc. Committee recommends to approve entering into the marketing agreement with Utility Service Partners Inc in reference to service line warranties.

Manager Hendershot reported Utility Service Partners Inc provide warranties to home owners for their utility lines, (water, sewer, gas). The property owner is responsible from the main or meter to their homes. Utility Service Partners Inc provide insurance that will cover the process of tearing up the area to fix or repair a line break.

Councilperson Saunders made a motion to authorize the City Manager to enter into an agreement with Utility Service Partners Inc, seconded by Councilperson Wallace. Motion carried.

3. Discussion of Request for Support from Youth Club of Marshall County. Committee recommends to check on previous years for donations. Manager Hendershot reported that council has never made donation to the Marshall County Youth Club. This matter will be sent back to finance to determine an amount.

4. Discussion of Salary for Building Inspector's Position. Committee recommends to adjust salary to appropriate level. City Manager and Office Supervisor to review wage analysis and scale for rates for this position dealing with certification completion increases.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion of Truck Routes Through the City. Committee recommends purchasing weight scales to begin weighing trucks. Also need to discuss with DOH about changing truck route from crossing town to state route.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of Charter Change Section 16 - Meetings of Council 121.01(a)(b) Making two

meetings per month optional, not mandatory. Committee recommends no change to the charter.

COUNCIL ITEMS:

* **Young** - Asked where the city stands on the sinking of Second Street at Grant Avenue? Manager Hendershot reported the Sanitary Board ran a camera through the area and have decided to fill the sink with asphalt until they can dig up the site.

* Reported behind the old Convenient Store needs cleaned up.

* Asked about the water leak at the bottom of Cherokee Drive. Manager Hendershot reported the leak is caused by packing in a valve which the Water Department considers a minor leak and will repair that leak when they are caught up.

* Reported the willow tree at 317 Poplar Avenue needs trimmed.

* **DeWitt** - Asked if anyone made contact with the owners of the property at 9th & Lafayette Avenue & 8th & Lafayette Avenue? Manager Hendershot reported work orders were submitted on the properties.

* Reported high grass at 1003 McConnell Drive.

* Asked for a street light at the 1200 block of Fourth Street.

* **Saunders** - Reported high grass at 312 Highland Avenue, house also needs some repairs.

* Reported trash and junk in yard at 2408 Ohio Street.

* Thanked Street Commissioner Richmond for his assistance when they looked at a piece of property.

* **Haynes** - Nothing at this time.

* **Wallace** - Expressed his condolences to the Anderson Family on the loss of their son Hugh, who represented the Moundsville Daily Echo. And noted Hugh did a fine job reporting events for the city. He will be missed.

* Reported lights are still blinking off & on in the city lot.

* Asked if anyone reported there being a problem on Lafayette Avenue to the Electric Company? Manager Hendershot reported that Collins Electric reported there being a dead short in the line near the bridge at 10th & 11th Street.

* Asked who was covering the City of Moundsville when the Moundsville Volunteers go on a

call outside the city limits? Manager Hendershot believes there are mutual aid agreements they are supposed to follow. Councilperson Wallace asked that Manager Hendershot address this question as to who is dispatched to cover the city when VFD goes on a call.

* Reported a large dumpster on the side of the building at 8th & Lafayette Avenue full of garbage.

Other Items to be Discussed.

* Manager Hendershot directed council's attention to the concrete work being done at the corner of the city building in preparation of installation of the new flag pole. The Street Department has been working on installing the memorial and flag pole honoring Julian Berisford. The dedication will be Saturday, November 6, 2010.

* Councilperson Saunders asked to increase police patrol at the Four Seasons Pool in the evening hours where kids are migrating and leaving trash. There is also a smoking ban 50 feet from the pool building.

* Hilda Blake thanked council for all the support they have given to Elizabethtown Festival and invited council to the opening ceremony Saturday at 10:00 a.m.

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

Meeting adjourned at 8:22 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor