

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
FEBRUARY 17, 2009**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on February 17, 2009 at 7:00 p.m.

Meeting was called to order by Mayor David Wood. Invocation was given by City Manager Hendershot.

Acting City Clerk Ankrom called the roll and the following councilpersons were in attendance: Haynes, Saunders, Simms, Wallace, Young and Mayor Wood. Absent: Cunningham. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clark, Kevin Wallace, Building Inspector Vickers, CPA Kathryn Goddard, Attorney Thomas White and Acting City Clerk Ankrom. Absent: City Clerk Hewitt.

**MINUTES:**

**Regular Council Meeting of February 3, 2009.**

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of February 3, 2009, seconded by Councilperson Saunders. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

**Tony Ankrom, Moundsville Rifle & Pistol Club concerning renovations of the facility.**

Tony Ankrom, of RD 2 Box 189 ½, Fish Creek, Proctor, WV, serving as President of the Moundsville Rifle & Pistol Club, presented concerns about the delay in renovations after a water leak damaged much of the old prison barn at Valley Fork Park, which the Club uses for an indoor bow and pistol range. Mr. Ankrom passed around pictures of the facility, both before and after the damage, as well as a letter he received from City Manager Hendershot addressing the delay. Mr. Ankrom stated that the greatest concerns at present is the fact that 55 Marshall County School students are using the facility for the “Archery in the Schools” program, but do not have adequate restroom facilities; and the Club is losing revenue due to the closure. After Mayor Wood requested further information on the work done so far by Panhandle Cleaning and Restoration, Manager Hendershot noted that City Attorney White recommended that the bid policy be followed. Attorney White explained that the bid process cannot be circumvented, and Council members agreed that this particular situation is not an emergency, in spite of the mold problem mentioned by Mr. Ankrom. Mayor Wood assured Mr. Ankrom that the bid specifications will be followed, as advised by the insurance adjuster, and work completed as soon as bid time frame allows.

\* Kim Brooks, 208 11<sup>th</sup> Street, commended the Street Department on the tree work they did. Ms Brooks noted that the previous owner of the building at 1008 Thompson Avenue told her that the property was sold only because he could not afford to tear the structure down; she feels that the

City should've taken care of that since "they" were the ones who condemned the building. She reiterated her opposition to the proposed zone change. Ms Brooks presented, to Attorney White, case information referring to a similar situation in Morgantown.

\* Mr. Adkins, 298 11<sup>th</sup> Street, expressed concern about the decrease in his property value if the proposed zone change is approved and prospective business built.

\* David White, 406 Clinton Avenue, questioned whether engineering study was done at 1008 Thompson Avenue since it is in the flood plain. City Manger Hendershot explained that this is done on a case-by-case basis and, since Mr. Cunningham has not filed the appropriate paperwork to begin construction, a study has not been done. Asked if street sweeper will run all week; Kevin Wallace noted that it will as weather permits.

\* Brad Varlas, 1107 12<sup>th</sup> Street, encouraged Council to look favorably at the prospect of buses running into Moundsville from surrounding areas.

\* Ted Boggs, Pastor of Life Song Ministries, Vice-President of Ohio Valley Faith and Family Ministries, 1303 1<sup>st</sup> Street, mentioned that his organization is planning a festival to be held June 12-13, 2009; and is seeking suggestions, and guidance on regulations, for holding such festival. He hopes to have cooperation from City leaders and residents as his ministry seeks to encourage moral values and offer resources to families in crisis. Manager Hendershot suggested Mr. Boggs call his office with details that he can help with.

\*Dwight Cunningham, 1301 4<sup>th</sup> Street, stated that he has some preliminary drawings, done by Chaz Pozell, of the proposed business that he plans to install at 1008 Thompson Avenue. Upon questioning by Councilperson Saunders, Mr. Cunningham explained that he will have constructed at least three apartments over an ice cream shop and storage unit, as well as an additional rental unit next door. Mr. Cunningham plans to invest \$300,000-\$400,000 and assured Council that he will follow all required building and flood regulations, which means work cannot move forward for one to two months.

## **OLD BUSINESS:**

### **Discussion and Approval of a Zone Change Ordinance for 1008 Thompson Avenue from R-M to C-C-C-H. (Second Reading)**

Attorney White read the following 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 AT OR NEAR 1008 THOMPSON AVENUE IN THE CITY OF MOUNDSVILLE FROM A MULTI FAMILY RESIDENTIAL ZONE TO A COMBINED CENTRAL BUSINESS & HIGHWAY COMMERCIAL ZONE. (SECOND READING)**

Councilperson Young made a motion to approve the zone change, seconded by Councilperson Simms. Mayor Wood called for a roll call vote. Acting City Clerk announced the following tally: 5 yeas, 1 nay; Haynes voting nay. Motion carried.

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

Councilperson Saunders has a proposal to present under New Business.

**NEW BUSINESS:**

**Discussion and Approval of a Recommendation by the Moundsville Planning Commission for a Zone Change at 109 13<sup>th</sup> Street from S-R (Special Recreational) to C-H (Neighborhood Commercial).**

Manager Hendershot explained, and Attorney White confirmed, that passage will only direct the Attorney to draft an ordinance, not change the zoning. Building Inspector Vickers has not seen any written plans to compare with the flood plain regulations.

Councilperson Saunders made a motion to move forward with drafting the ordinance, seconded by Councilperson Haynes. Upon discussion with Councilperson Wallace, Councilperson Haynes noted that neither Mr. Hartley nor his wife were present at the Planning Commission meeting when the recommendation was discussed. Attorney White noted that C-H is Commercial Highway, not Neighborhood Commercial, which is C-N. Planning Commission member William McConnell noted, from the audience, that the requested change is to C-N. City Attorney White will draft the ordinance change to C-N. Mayor Wood called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried.

**Discussion and Approval of an Ordinance Pertaining to Sidewalk Upkeep in the City of Moundsville. (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, 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. (FIRST READING)**

Councilperson Wallace made a motion to approve the ordinance on first reading, seconded by Councilperson Saunders. Councilperson Young expressed his concern that ordinance passage will cost residents too much money; to which Councilperson Wallace commented that residents are not doing their part or the ordinance would not need to be discussed. Councilperson Simms noted, and Attorney White agreed, that the ordinance was revised to protect the City from

unnecessary lawsuits; and provide remedy against negligent property owners by filing liens. Mayor Wood called for a roll call vote. Acting City Clerk announced the following tally: 5 yeas, 1 nay; Young voting nay. Motion carried.

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

Manager Hendershot stated that he received applications from Sue Lunau and Joseph Oakland. Since Mrs. Lunau has served in other areas and has experience with City committees, he will appoint her to the Planning Commission.

### **Removal of Fourth Ward Councilperson**

Councilperson Saunders made the motion to remove Mr. Cunningham from the Fourth Ward Council seat since he has missed three consecutive meetings pursuant to City Charter, seconded by Councilperson Haynes. Mayor Wood called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried.

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

Councilperson Saunders made a motion to offer Fourth Ward residents opportunity to submit letters of interest for the vacant Council seat, seconded by Councilperson Simms. Manager Hendershot will advertise the position, setting the deadline so that letters can be reviewed at the March 3 Council meeting. Mayor Wood called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried.

### **MANAGER ITEMS:**

#### **Special Meeting to Present Budget Message**

Manager Hendershot requested Council to schedule a Special Meeting so that he may present the Budget Message, which must be done by the end of February. Special Meeting is for February 25 at 5:00 PM.

#### **Manager's Workshop**

Manager Hendershot reminded Council that a Manager's Workshop will be held tomorrow evening at 5:00 PM to discuss budget drafts.

#### **Small Cities' Block Grant Extension and Additional Funding**

Manager Hendershot announced that he received notification of time extension and additional funding for the Small Cities' Block Grant, for low income housing rehabilitation, administered by BelOMar. The additional funds will allow remodeling of one more house.

## **Sanford Elementary**

Manager Hendershot enclosed copies of a list, compiled by the Family Resource Network, of the pros and cons of using Sanford Elementary as a community center. The FRN is not willing to accept the responsibility of becoming an “umbrella organization” to manage the prospective center. Manager Hendershot will continue to pursue this opportunity.

### **MAYOR ITEMS:**

\* Mayor Wood commented on recent meetings with State Legislators. One area discussed was obtaining financial assistance with the Fire and Police Pension funds; extending the amortization time line; and changing the funding method, which becomes increasingly expensive, as the City contributes a 7% increase each year.

\* Mayor Wood reminded Council that “readable goals” will be available at the next meeting.

### **COMMITTEE REPORTS:**

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

Councilperson Wallace noted that the 2009-2010 Budget was reviewed at the meeting and invited everyone to the Manager’s Workshop.

Councilperson Wallace explained that, due to the substantial decrease in Business & Occupation Tax revenue, as noted by CPA Goddard in the January 2009 Financial Statements, expenditures will be closely monitored through the rest of this fiscal year. Manager Hendershot has already discussed the matter with City Department Heads, and there is now a freeze on Capital Expenditures and overtime costs are to be limited.

Councilperson Wallace stated that, due to obvious constraints on the budget, the process of converting City Codes and Charter for internet access has been put on hold.

Councilperson Wallace mentioned that no action was taken on the request for donation for the John Marshall Softball banner. The boosters will be notified.

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

Councilperson Saunders noted that the signs are up at Jefferson Avenue and 7<sup>th</sup> Street and also at Tomlinson Avenue and 7<sup>th</sup>.

Councilperson Saunders stated that checks are still being done on the red light at 5<sup>th</sup> Street and Jefferson Avenue.

Councilperson Saunders mentioned that Police Chief Kudlak is still investigating a handicap

request.

Councilperson Wallace asked about the catch basin at Center Street, from Sycamore to Highland Avenues; Manager Hendershot explained that this was discussed and will have to be corrected before paving. Discussion was held on having more streets engineered in the event that “stimulus” money is available for paving issues. Councilperson Saunders confirmed that the nine streets listed on the 2008 paving list would have priority for this year.

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

Mayor Wood again mentioned that the Committee discussed establishing goals for the upcoming year and the written form will be available at the next meeting.

Mayor Wood noted that discussion was held on the Sidewalk Ordinance.

Mayor Wood commented that not action was taken on the Ambulance ordinance.

### **COUNCIL ITEMS:**

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

\* **Saunders** - Received call about speeders on 12<sup>th</sup> Street. Resident later called back to express thanks to Police Department for increased patrol.

\* Thanked Street Department for putting up the traffic signs.

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

\* **Wallace** - Expressed regret about what had to be done in regard to Fourth Ward Councilperson. Although he was not happy with removing Councilperson Cunningham, the Ward deserves representation. He also thanked Councilperson Cunningham for the work he did in the past and wished him well.

\* **Young** - Thanked the Street Department for their effort in trying to keep the streets cleaned, which he realizes is difficult with the weather conditions and amount of cinders.

\* Also thanked Street Department for the work they have done in filling pot holes. Manager Hendershot encouraged citizens to call the office to report holes, as the Street Department may not be aware of all of them, and filling will be done as soon as possible. Councilperson Young mentioned the pot hole, on Purdy Avenue, at the red light near Gumby’s and 84 Lumber. Councilperson Wallace made a motion to adjourn, seconded by Councilperson Saunders. Motion carried unanimously.

Meeting adjourned at 8:05 p.m.

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Karen L. Ankrom, Acting City Clerk

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David L. Wood, Mayor