

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
FEBRUARY 16, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on February 16, 2010 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, Vice Mayor Wallace, Young and Mayor Wood. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Watson, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

**MINUTES:**

**Regular Council Meeting of February 2, 2010.**

Councilperson Haynes made a motion to accept and approve the minutes of the regular meeting of February 2, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

**Announcement.**

Mayor Wood thanked Vice Mayor Wallace for presiding over the council meeting in his absence.

**GENERAL PUBLIC HEARING:**

Audience did not wish to speak.

**OLD BUSINESS:**

**Discussion and Approval of an Ordinance Concerning the Employee Policy on Vacation.  
(Second Reading)**

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

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, TO AMEND SECTION 155.07 ( c ) ( 7 ) OF THE EMPLOYEE POLICY REGULATIONS PROVIDING FOR AN AMENDMENT TO VACATION TIME FOR CITY EMPLOYEES FOR ACCRUAL OF THREE WEEK FOR THOSE WITH FIVE**

**YEARS' SERVICE. (SECOND READING)**

Councilperson Saunders moved to approve the ordinance of the employee policy for vacation time, seconded by Councilperson DeWitt.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Saunders, Haynes, DeWitt, Mayor Wood, Young, Wallace and Simms. 7 yeas. Motion carried unanimously.

**Discussion and Approval of Amending the Planning and Zoning Regulations "R-G" District. (Second Reading)**

Attorney White read the following planning and zoning ordinance by title only to be passed by council on second reading:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING SECTION 1381.10 OF THE CODE OF THE CITY OF MOUNDSVILLE, TO PROVIDE FOR OFF-STREET PARKING ON LOTS WITHOUT BUILDINGS IN GENERAL RESIDENTIAL (R-G) ZONE IN THE CITY OF MOUNDSVILLE. (SECOND READING)**

Councilperson Saunders made a motion to approve the ordinance regarding planning and zoning, seconded by Councilperson Young.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Haynes, DeWitt, Mayor Wood, Young, Wallace, Simms and Saunders. 7 yeas. Motion carried unanimously.

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

\* Councilperson Simms asked Attorney White if the Parks & Recreation Board has term limits for their members? Attorney White informed council that board members are allowed to serve as many times as they wish but he will double check.

\* Councilperson DeWitt asked Manager Hendershot if he has spoken to DOH concerning a left turn lane at 7<sup>th</sup> Street & Lafayette Avenue? Manager Hendershot did speak with DOH who are looking at the intersection.

On other matters, Manager Hendershot reported that DOH notified him of major paving on Lafayette Avenue next summer. Also on the agenda is to pave Jefferson Avenue. DOH has intentions of painting a white broken line at the turn lane south to east from Jefferson Avenue and First Street. This project will not be done until Jefferson Avenue has been paved.

\* Councilperson Saunders asked Manager Hendershot if he had found out anything going on

with the burned house on Curtis Avenue? Fire Chief Clarke reported the owner has obtained a demolition permit from the building inspectors which he intends on starting the job weather permitting.

\* Councilperson Saunders asked if hydrants are being metered for the usage of water on Poplar Avenue. Manager Hendershot said the hydrants are being metered.

\* Councilperson Young asked who monitors the traffic light at 1<sup>st</sup> & Jefferson Avenue? And asked for the light to be on flash during bad weather, vehicles stopped on the extension are having a hard time making it up the hill. Manager Hendershot advised that officers have a key and put the light on flash when the streets are bad.

\* Councilperson Young asked that building permits be waived for residents in the 200 block of Poplar Avenue for repairs being done caused by the mine subsidence? Attorney White commented that the city could do something administratively.

### **NEW BUSINESS:**

#### **Discussion and Approval of a Resolution to Authorize the City Manager to Enter into a Contractual Agreement for the City's Liability Insurance for 2010-2011.**

City Manager reported that the city received their insurance update today which included a major increase in the premiums and he did not recommend approving the resolution.

Vice Mayor Wallace moved to table the resolution concerning the City's Liability Insurance until the City Manager can obtain other quotes, seconded by Councilperson Saunders.

Mayor Wood called for a voice vote. City Clerk announced the following tally. DeWitt, Mayor Wood, Young, Vice Mayor Wallace, Simms, Saunders and Haynes. 7 yeas. Motion carried unanimously.

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

\* Councilperson DeWitt asked Chief Kudlak if he was going to be hiring more dispatchers since one of them took the secretary position. Chief Kudlak commented that he is up to staff but some illness fell on the dispatchers which left them short.

\* Councilperson Saunders announced that he and Councilperson Haynes are in the process of raising funds for a new skateboard park at East End. They have picked out a design for the park and have contacted some potential sponsors.

\* Councilperson Simms reported the traffic light at 10<sup>th</sup> & Lafayette Avenue is not changing for the east & west bound traffic.

\* Councilperson DeWitt asked if the city has ever looked into the possibility of a Sam's Club in Moundsville? Manager Hendershot commented that it was considered when Walmart was built, but Sam's Club is geared more toward business than the private citizen.

\* Councilperson Saunders asked what Mr. Cunningham was going to do with his property on Thompson Avenue since the zoning has been changed in his favor. Attorney White noted that this case is still in the courts and Mr. Cunningham was waiting for the courts decision before building.

#### **MANAGER ITEMS:**

##### **Federation for American Coal, Energy and Security (FACES of Coal) Campaign.**

The Marshall County Chamber of Commerce has joined the FACES of Coal Campaign. The Federation for American Coal, Energy and Security is an alliance of people who are joining forces to educate lawmakers and the general public about the importance of coal and coal mining to our local and national economies and to our nation's energy security.

Councilperson Simms made a motion to authorize the City Manager to submit the FACES of Coal Campaign form from the City of Moundsville showing support and participation, seconded by Councilperson DeWitt. Motion carried unanimously.

##### **Julian Berisford Memorial.**

Manager Hendershot announced that he is working with John Berisford to place a memorial in Moundsville in honor of Julian Berisford. The memorial would be a flag pole placed at the City Building with flags of United States and a plaque at the base of the pole. Manager Hendershot suggested the city participate by removing the old pole and installing the new one.

Councilperson Saunders made a motion to authorize the city to remove and install the flag poles for a memorial in the honor of Julian Berisford, seconded by Councilperson DeWitt. Motion carried unanimously.

##### **Discussion of Special Council Meeting to Present the 2010-2011 Budget and Budget Message.**

Council agreed to schedule the Special Council Meeting to present the 2010-2011 Budget and Budget Message for Tuesday, February 23, 2010 at 5:00 p.m. A finance meeting will follow the special meeting.

#### **MAYOR ITEMS:**

\* Mayor Wood asked City Clerk Hewitt if updates will be made to the city code. The City Clerk suggested that council members bring their code books to the office to be updated.

\* Mayor Wood thanked the Street Department, Police Department and Fire Department for helping clear roads in the city.

\* Asked for an update on the Fostoria site. Manager Hendershot reported entering into the contractual agreement with Thrasher Engineering who is working toward developing the abatement plan.

Councilperson Saunders asked what is the plan for the stacks that are still standing? Manager Hendershot reported GAB has stopped all demolition until the abatement plan in place. GAB has assured Manager Hendershot they will notify him before they demolish the stacks.

\* Asked for an update on the Sanford Center. Manager Hendershot reported the Board of Directors have physically filed the 501-C-3 paperwork with the state. The cost for submitting the application was \$400. The board is moving forward but there are a lot of things to be done. Another sale has been scheduled for February 27, 2010 from 9:00-11:00. Prices have been reduced.

\* Asked if the legislature was discussing any items that council should be aware of concerning municipalities. Manager Hendershot reported that legislatures were discussing annexation. The counties wish to open this discussion back up to make more restrictive laws for municipalities to conduct annexation. The WV Municipal League has been opposed to this and discussion has not been reopened by any of the legislative committees at this time.

#### **Update on Planning Commission Members by Attorney White.**

Attorney White was asked to research whether or not the Planning Commission must have 11 members by law. Mr. White reported that council may establish a commission of members between 5 and 15 members. If council wished to reduce the numbers of members, they will have to decide how they will phase out the present terms of the members already established.

Councilperson Simms made a motion to direct the City Attorney to draft an ordinance reducing the members from 11 to 7 members and a quorum consisting of the majority, seconded by Councilperson DeWitt. Motion carried unanimously.

#### **Legal Advertisements by Attorney White.**

Attorney White presented council with legal advertisements published in the Moundsville Daily Echo to be received and filed by council.

1. Employee Policy Ordinance Concerning Vacation
2. Planning & Zoning Ordinance
3. Zone Change Ordinance for 702 Second Street
4. Bids for 2001 Mack Refuse Truck

5. Bids for (2) 2005 & (1) 2010 Police Cruisers
6. Drug Free Work Place Ordinance for Contractors
7. Handicapped Parking Ordinance

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

## **COMMITTEE REPORTS:**

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

Vice Mayor Wallace reported discussions and decisions made by the Finance Committee at the meeting held February 16, 2010 at 5:30 p.m.

**1. Discussion & Review of Financial Statement for January, 2010.** Financial Statement submitted by CPA Kathryn Goddard. The city is presently 58% into the year. Revenues are at 62% and expenditures are at 60%.

**2. Discussion of Presentation of Moundsville Volunteer Fire Department Budget for 2010-2011.** The Finance Committee will make decision after the City Manager has presented the 2010-2011 General Fund Budget and Budget Message.

**3. Discussion of 2010-2011 Proposed Budget.** The City Manager will present the 2010-2011 General Fund Budget and Budget Message on February, 23, 2010 at 5:00 p.m. A Finance Meeting will follow the presentation of the Budget and Budget Message.

**4. Discussion of Police and Fire Pensions.** The Finance Committee instructed the City Manager to enact in the budget message the reduction of the Police and Fire pensions.

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

There was no traffic meeting due to budget meetings

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

There was no policy meeting due to budget meetings.

## **COUNCIL ITEMS:**

\* **DeWitt** - Noted that the Dog Warden issue was not discussed under the Finance Committee. Manager Hendershot said that he can bring the cost projections to the next finance meeting. Mrs. DeWitt presented copies of emails she received from other cities. Councilperson Simms commented that he was not in favor of hiring a dog warden, but if there were four members interested that was fine.

\* Reported the sidewalks along the ballfields at East End and Fourth Street are unacceptable. They have not been cleaned since the snow. Councilperson Saunders disagreed with Councilperson DeWitt stating that he saw Tom Sutton and Charlie Wood using the snowblower and shoveling.

\* **Young** - Thanked the kids on Fourth Street for the hot chocolate they were selling.

\* **Saunders** - Reported the Parks & Recreation Board is in the process of applying for grants for a new hot tub in the amount of \$40,000.

\* Also, asked Attorney White if the contract for baseball, softball, soccer and swimming is completed. Attorney White said that it was ready to be picked up.

\* The Board is going to request that the Baseball Association be charged for trash removal during the Beast of the East Tournament.

\* The Board is not happy with the Swim Team that is using the pool because they are leaving it a mess and not making the kids clean up after themselves.

\* **Wallace** - Apologized to Councilperson Saunders for raising his voice during the Finance Meeting.

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

\* **Simms** - Asked that Marshall County has become a Class I county reaching \$2 billion in asset value. Since the county will be receiving 10% more in revenues Councilperson Simms suggested the City Manager send a letter to the Marshall County Commission asking them to pay for the bus service.

\* Commented after looking at the city's liability insurance and liability lawsuits can the city be considered having "Hold Harmless Facilities" using signs on city property. Attorney White stated the hold harmless agreements do not usually hold up in court.

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

Meeting adjourned at 7:44 p.m.

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Sondra J. Hewitt, City Clerk

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David Wood, Mayor