

1 STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
2 NOVEMBER 3, 2010

3

4 The Council of the City of Moundsville met in regular session in the Council Chambers  
5 on November 3, 2010 at 7:00 pm.

6

7 Meeting was called to order by Mayor David Wood.

8 Invocation given by City Manager Allen Hendershot.

9

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

16

17 **MINUTES:**

18 **Regular Council Meeting of October 19, 2010**

19 Councilperson Young noted he had mentioned the alley near Short Poplar needed repaired,  
20 but it was not listed in the minutes. Councilperson Simms made a motion to accept the  
21 minutes as amended. Motion was seconded by Councilperson Saunders and carried  
22 unanimously.

23

24 **GENERAL PUBLIC HEARING:**

25 **Larry Vucelick, 27 Simpson Avenue,** noted the illegal fence near his residence was not  
26 removed in a timely manner; and the posts still have not been moved back to where he  
27 believes is the appropriate property line. Mr. Vucelick's house was recently vandalized  
28 due to conflict with neighbors regarding the fence issue. Manager Hendershot reviewed  
29 the appropriate steps taken by the Planning Commission in regard to the removal of the  
30 non-compliant fence; and noted that surveying the property line is the responsibility of the  
31 property owner. Manager Hendershot asked Building Inspector Mercer to review the  
32 minutes of the Commission meeting to determine whether the new fence was to be moved  
33 back to the original fence's position.

34

35 No one else wished to address Council.

36

1 **OLD BUSINESS:**

2 **Discussion and Approval of an Ordinance Concerning Retirement Options for**  
3 **Employees (Second Reading)**

4  
5 Attorney White read the ordinance by title only:

6 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
7 **VIRGINIA AMENDING AND REENACTING A PORTION OF ARTICLE 155 OF**  
8 **THE CODE OF THE CITY OF MOUNDSVILLE RELATING TO POLICY**  
9 **PROVISIONS FOR EMPLOYEES OF THE CITY OF MOUNDSVILLE BY**  
10 **AMENDING AND REENACTING SECTION 155.07, SUBSECTION “g”**  
11 **SUBPARAGRAPH “8” SUB SUBPARAGRAPH “B” TO PROVIDE FOR THE**  
12 **CHANGES IN COSTS OF RETIREES' HEALTH INSURANCE (SECOND AND**  
13 **FINAL READING)**

14  
15 Councilperson Simms made a motion to approve the ordinance on second reading, which  
16 was seconded by Councilperson Young. Mayor Wood called for a roll call vote; Acting  
17 Clerk Ankrom announced the following tally: 7 yeas. Motion carried unanimously.

18  
19 **Discussion and Approval of an Ordinance Pertaining to Weight Limits on truck**  
20 **Routes in the City of Moundsville (Second Reading)**

21  
22 Attorney White read the ordinance by title only:

23 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
24 **VIRGINIA AMENDING AND REENACTING SECTION 347.01 OF THE**  
25 **MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR**  
26 **SIZE, WEIGHT, AND LOAD LIMITATIONS UPON VEHICLES TRAVELING**  
27 **ON THE STREETS OF THE CITY OF MOUNDSVILLE (SECOND AND FINAL**  
28 **READING)**

29  
30 Councilperson Saunders made a motion to approve the ordinance on second reading,  
31 which was seconded by Councilperson Haynes. Attorney White mentioned the ordinance  
32 also included the change in truck routes through the City. Manager Hendershot noted that  
33 trucks such as concrete and tandem vehicles may continue to veer off of the truck routes  
34 when delivering to specific residences; but they must stay on the truck routes whenever  
35 possible. Mayor Wood called for a roll call vote; Acting Clerk Ankrom announced the  
36 following tally: 7 yeas. Motion carried unanimously.

37  
38 **Other Items to be Discussed by Council**

39 \*Councilperson Saunders prompted discussion on allowing a “loan option” on the new  
40 employee pension plan. Manager Hendershot noted that these issues will be brought up  
41 at the Committee meeting next week, when the Third Party Administrator will be available  
42 to answer questions.

1 \*Councilperson Haynes asked if the scales were ready for truck weighing. Chief Kudlak  
2 confirmed that the scales still need to be calibrated; and training will be done, by Chief  
3 Younger of Cameron, on November 15 and 16.

4  
5 \*Councilperson DeWitt broached discussion on the placement and frequency of scale use.  
6 Manager Hendershot noted the scales are portable; and Chief Kudlak will implement the  
7 policy on utilization. Some staffing changes will be required in the Police and Street  
8 Departments to man the scales.

9  
10 \*Councilperson Saunders asked about status of the Pythias building. Chief Kudlak  
11 informed he has made contact about financial matters; and McKinley is working on  
12 building needs.

13  
14 \*Councilperson Saunders asked about gas drilling status. Manager Hendershot will be  
15 asking for an Executive Session to further discuss details.

16  
17 \*Councilperson Young confirmed the alley near Short Poplar has been repaired.

18  
19 \*Councilperson Young and Fire Chief Clarke discussed the dilapidated properties on  
20 Short Poplar Avenue. The City could handle demolition, once ownership is established.

21  
22 **NEW BUSINESS:**  
23 **Discussion and Approval of a Recommendation by the Moundsville Planning**  
24 **Commission to Consider a Zone Change Proposed by the Marshall County**  
25 **Cooperative Inc to Change Property Located at 400 Eleventh Street from RM to**  
26 **CCCH**

27  
28 Manager Hendershot referenced a recommendation letter from Commission Attorney  
29 Peter Kurelac; and Building Inspector Mercer explained that the Coop has been  
30 “grandfathered” in since the City's Comprehensive Plan designated that area as residential.  
31 The CO-OP's parent company wanted to remove the “non-conforming use” issue, as they  
32 are in the process of purchasing adjoining property to expand the business. Councilperson  
33 Saunders made a motion directing Attorney White to draft an ordinance making the zone  
34 change; motion was seconded by Councilperson Simms. Mayor Wood called for a roll  
35 call vote; Acting Clerk Ankrom announced the following tally: 7 yeas. Motion carried  
36 unanimously.

37  
38 **Appointment to the Moundsville Parks & Recreation Board**  
39 Two letters of interest were received for the six-year term, one from existing member  
40 Guadalupe Hewitt and one from former Councilman Wayne Lemasters. Councilman  
41 Saunders made the motion to reappoint Guadalupe Hewitt, which was seconded by  
42 Councilperson DeWitt. There are no term limits on this Board. Mayor Wood called for a

1 roll call vote; Acting Clerk Ankrom announced the following tally: 7 yeas. Motion carried  
2 unanimously. Councilperson Wallace noted the importance of maintaining continuity on  
3 a Board by reappointing existing members who desire to remain in service.

4

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

6

7 Nothing was discussed.

8

9 **MANAGER ITEMS:**

10 • Manager Hendershot noted that research continues on what steps and costs will be  
11 required to update the City's Comprehensive Plan.

12

13 • Manager Hendershot stated notification was received from Delegates Varner and Ferro  
14 about Local Economic Development awards: \$10,000.00 for Emergency Response  
15 Equipment for Police and Fire; \$2,000.00 for Street Garage lighting upgrades; and  
16 \$13,000.00 for Riverfront Shelter improvements. Senator Kessler has also notified of  
17 Recreation grant awards forthcoming, which will help with new roofing for the  
18 pavilion and handicap accessibility improvements in the shelter. Funding for the new  
19 whirlpool has not yet been received.

20

21 • Manager Hendershot invited Council to the 119<sup>th</sup> Sapper Company's "activation  
22 ceremony" at 2:00 PM on November 7, 2010 in the National Guard Armory building.

23

24 • Manager Hendershot reminded that November 6, 2010 at 2:00 PM will be the  
25 dedication of the SPC Julian Berisford memorial at the corner of the City Building.

26

27 • Manager Hendershot presented a donation request from Bishop Donahue High School  
28 for the annual Walk-A-Thon. Councilperson Simms made the motion to send the  
29 request to the Finance Committee. Motion was seconded by Councilperson Wallace  
30 and carried unanimously.

31

32 **MAYOR ITEMS:**

33 • Mayor Wood commented on the recent election results. He commended  
34 Councilperson Young on his good work and looks forward to working with him again  
35 in the future. Mayor Wood has discussed with Manager Hendershot the idea of setting  
36 up an "orientation session" for new Council members so they will be better informed  
37 about what they can and cannot do; and review aspects of the City Charter and  
38 Ordinances that new members should become familiar with. Councilperson Saunders

1 made the motion to refer this issue to the Policy Committee. Motion was seconded by  
2 Councilperson DeWitt and carried unanimously.

- 3
- 4 • Mayor Wood asked about the sewer line issue on 11th Street. Manager Hendershot  
5 stated that Superintendent Bonar had the basin checked and no blockages were noted.  
6
- 7 • Mayor Wood noted further discussion will be held in Committee about using the  
8 Landfill Timbering funds to pursue the Voluntary Remediation Program for Fostoria.  
9 Manager Hendershot will be meeting with representatives from the Department of  
10 Environmental Protection, Patrick Kirby's office, and RAZE on November 10, 2010 at  
11 10:00 am.
- 12
- 13 • Mayor Wood mentioned disturbances at the bar near Arlington Avenue are resuming.  
14
- 15 • Manager Hendershot took a moment to introduce the City's new Building Inspector,  
16 John Schneider, who reviewed his career and qualifications. Mayor Wood welcomed  
17 Mr. Schneider to his new position.  
18

#### 19 **Appointment to the Moundsville Firefighter's Civil Service Commission**

20 Mayor Wood talked to all three candidates expressing interest in this position: David Oiler,  
21 Terri Burgy, and Carl Boso. All expressed interested in serving on other committees, if  
22 not selected for this commission. Mayor Wood appointed former Councilman David Oiler  
23 to the Firefighter's Civil Service Commission.

#### 24 **COMMITTEE REPORTS:**

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

27 Vice Mayor Wallace called a Finance Meeting for November 9, 2009 at 5:00 PM.  
28

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

30 Councilperson Simms noted they will meet immediately following Finance.  
31

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

33 Mayor Wood scheduled a Policy Committee meeting immediately following Traffic.  
34

#### 35 **COUNCIL ITEMS:**

36 \***Simms** – Asked for extra patrols in the Campground area to prevent further vandalism  
37 and trouble.

1 \* **Wallace** – Welcomed Mr. Schneider to City employment.

2 \* Asked that street lights at 13<sup>th</sup> Street and Lafayette Avenue, 1409 Lafayette Avenue, and  
3 South Lafayette Avenue, near Hendershot Trucking, be fixed.

4

5 \* **Young** – Thanked voters for their support and the opportunity to serve the City; and  
6 congratulated Mr. Phil Remke on his victory

7

8 \***Haynes** – Again noted the nuisance issues at the bar near Arlington Avenue. The City  
9 Police Department will be given opportunity to address the owner and patrons, about  
10 controlling their behavior, before further action is taken.

11 \*Also expressed concern about the turmoil on Simpson Avenue.

12

13 \* **Saunders** – Asked Building Inspector Mercer about the tree on 7th Street; Inspector  
14 Mercer is still working on the situation.

15 \* Asked for follow-up on 7th Street resident who was issued an easement to move his  
16 fence but has yet to do so.

17 \* Discussed with Manager Hendershot the possible abandonment of an alley near 4th  
18 Street, which has not been surveyed, and whether the fence should be addressed.

19 \* Expressed joy at working with Councilperson Young and encouraged him to run again,  
20 as he will be “sorely missed!”

21

22 \* **DeWitt** – Will try to retrieve the pole number or house address for the pole on 4th Street  
23 that needs repaired.

24 \* Asked why the new street sweeper is leaving debris. Director Richmond explained the  
25 operator is still learning how to use the machine and minor mechanical adjustments need  
26 to be made.

27 \* Noted the alley between 10th and Ruby Streets, from Parriott Avenue to Garfield Street,  
28 needs slag.

29

30 Councilperson Wallace made the motion to enter into Executive Session to discuss  
31 contractual and real estate issues, which was seconded by Councilperson Saunders.  
32 Regular meeting ended at 7:40 PM.

33

34 Executive Session commenced at 7:45 PM and ended at 7:57 PM.

1 Councilperson Saunders made the motion to adjourn, which was seconded by  
2 Councilperson Haynes. Meeting adjourned at 7:58 PM.

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5 \_\_\_\_\_  
Karen L Ankrom, Acting City Clerk

\_\_\_\_\_  
David Wood, Mayor