

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
SEPTEMBER 7, 2010**

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

Meeting was called to order by Mayor David Wood.

Invocation was given by City Manager Hendershot.

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

MINUTES:

Regular Council Meeting of August 24, 2010.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of August 24, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Ed Anderson, 206 S Highland Avenue, provided council with aerial views of his and his neighbors property and plat maps from the Marshall County Court House showing both properties are in city limits. Mr. Anderson wants to know if the neighbors are right beside him, why is he in the city and they outside city limits? He also commented on the problem of dogs barking constantly and needs to know who to contact the city police or sheriff department.

Council members said they would look into the problem and that Chief Kudlak could help with the dog barking problem.

* George Kachalo, 31 Fostoria Avenue, gave pictures to council showing the neighbors vehicle blowing fumes toward his back door and the vehicles parking in his back yard.

* Dan Ritz, Moundsville NTB, presented council with a petition opposing the new construction of a garage at 1206 Purdy Avenue for Auto Choice. Mr. Ritz commented that residents were unable to attend the meeting.

Councilperson Wallace made a motion to receive and file the petition, seconded by Councilperson Young. Motion carried unanimously.

* Bob Hunnell, 1201 Lafayette Avenue, owner of Auto Choice, announced that he was present in case council members had any questions.

Councilperson Saunders asked Mr. Ritz if he know of the reasons that residents did not want this new garage built at 1206 Purdy Avenue. Mr. Ritz commented that residents were concerned of the drop in property value and excessive traffic.

Councilperson Saunders asked Mr. Hunnell if building this garage was a necessity. Mr. Hunnell commented that GM dealerships are requiring service and sales together. The building will consist of one wash bay, oil change bay and an alignment bay. Approximately 13 vehicles per day.

Councilperson Wallace asked Mr. Hunnell if they were moving their business on Jefferson Avenue to the new garage in question? Mr. Hunnell responded that he was moving his business to Purdy Avenue.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to the Registration of Vacant Buildings in the City of Moundsville. (Second Reading)

City Manager Hendershot 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, ENACTING ARTICLE 1107 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF AN ORDINANCE PROVIDING FOR REGISTRATION OF VACANT BUILDINGS AND UNINHABITABLE BUILDINGS, FEES, COLLECTION METHODS, LIENS AND PENALTIES FOR VIOLATIONS. (SECOND READING)

Councilperson Saunders moved to accept and approve the vacant buildings ordinance, seconded by Councilperson Haynes.

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

Discussion and Approval of an Ordinance Pertaining to Building Abatement and Demolition. (Second Reading)

City Manager Hendershot 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, AMENDING AND REENACTING ARTICLE 1105 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE RE-ADOPTION, WITH AMENDMENTS. OF A BUILDING NUISANCE ABATEMENT AND DEMOLITION ORDINANCE. (SECOND READING)

Councilperson Saunders made a motion to accept and approve the abatement ordinance, seconded by Councilperson DeWitt.

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

Discussion and Approval of an Ordinance Pertaining to Public Nuisances in the City of Moundsville. (Second Reading)

City Manager Hendershot 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, ENACTING ARTICLE 1102 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROHIBIT PUBLIC NUISANCES, AND PROVIDING FOR ABATEMENT AND PENALTIES FOR VIOLATIONS. (SECOND READING)

Councilperson Saunders made a motion to accept and approve the nuisance ordinance, seconded by Councilperson Haynes.

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

Discussion and Approval of an Ordinance Pertaining to Junked Motor Vehicles. (Second Reading)

City Manager Hendershot 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, AMENDING AND REENACTING SECTION 519.01(d) OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE RELATING TO THE DEFINITION OF A JUNKED MOTOR VEHICLE. (SECOND READING)

Councilperson Saunders made a motion to accept and approve the junked motor vehicle

ordinance, seconded by Councilperson DeWitt.

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

Discussion and Approval of an Ordinance pertaining to Employee City Health Insurance Coverage. (Second Reading)

City Manager Hendershot 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, AMENDING AND REENACTING A PART OF SECTION 155.06 OF THE EMPLOYEE REGULATIONS IN THE CITY CODE OF MOUNDSVILLE TO PROVIDE FOR OPTING OUT OF CITY HEALTH INSURANCE COVERAGE. (SECOND READING)

Councilperson Wallace made a motion to accept and approve the health insurance ordinance, seconded by Councilperson Saunders.

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

Other Items to be Discussed by Council.

* Councilperson DeWitt asked if a second Building Inspector was hired yet? Manager Hendershot reported not at this time, testing will be conducted this week.

* Councilperson Saunders asked if council members are going to discuss a pay raise for the building inspector? Mayor Wood said he did not think anything was formally discussed. Manager Hendershot commented that Mr. Mercer is starting out at the bottom rate of the job classification. Councilperson Saunders wished to discuss this matter under the Finance Committee.

* Councilperson DeWitt asked when paving was going to start? Manager Hendershot advised that paving is on the agenda for council's approval.

* Councilperson Saunders reported the house on Curtis Avenue has been torn down.

* Councilperson Saunders asked if Tilly's Diner contacted the building inspector about the house next to the restaurant? Building Inspector Mercer advised Tilly's Diner have not contacted him.

NEW BUSINESS:

Discussion and Approval of a Proposed Zone Change Recommendation by the Moundsville Planning Commission Concerning a Zone Change from RM to CCCH at 1206 Purdy Avenue.

Councilperson Simms made a motion to accept the recommendation by the Moundsville Planning Commission, seconded by Councilperson Saunders.

Mayor Wood called for a voice vote. City Clerk announced the following tally. DeWitt, Saunders, Haynes, Simms, Wallace and Mayor Wood voting yea. Young voting nay. 6 yeas, 1 nay. Motion carried.

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

City Manager Hendershot read the following ordinance by title only to be passed by council on first 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. (FIRST READING)

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

Mayor Wood called for a voice vote. City Clerk announced the following tally. Saunders, Haynes, Simms, Wallace, Mayor Wood and DeWitt voting yea. Young voting nay. 6 yeas, 1 nay. Motion carried.

Discussion and Approval of Street Paving Bids.

Paving Bids were received from Klug Brothers for the following streets:

Morton Avenue - Tenth Street to Eleventh Street	\$32,068.03
Center Street - Elm Avenue to Maple Avenue	\$33,511.60
Center Street - Maple Avenue to Mulberry Avenue	\$14,388.64
Fifth Street - Tomlinson Avenue to Grant Avenue	\$104,936.64

Total

\$184,904.64

Councilperson Saunders made a motion to accept the street paving bids, seconded by Councilperson Young.

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

Manager Hendershot reported that Klug's will be contacted to schedule fall paving weather permitting.

Other Items to be Discussed by Council.

* Councilperson Saunders asked for an update on the Fostoria Project. Manager Hendershot reported the EPA requested an update on the future use of the site. There is one small area of the site that has not been abated called the "crows nest" on top of the last building on the west side of the property. There has been no new information concerning the stacks.

Mayor Wood asked that Manager Hendershot schedule a tour of the site for council members.

* Councilperson Saunders asked for an update of the Sanford Center and noticed the center is looking for new board of director members. Manager Hendershot reported due to scheduling, two board members have resigned. October 9, 2010, open house, carnival and craft fair are scheduled.

Mayor Wood suggested sending the Sanford Center a letter of support from council. Manager Hendershot will draft a letter to bring back to council.

Councilperson Simms wished to thank Paul Musilli for cutting the grass at the center all summer.

* Councilperson Young reported he has been receiving complaints about the trucks hauling water and traveling across city streets. Councilperson Young also commented about trucks being overweight.

Manager Hendershot spoke with the Police Chief in Cameron who have purchased a set of scales to weigh trucks when they travel through Cameron. According to the Chief, the scales have paid for themselves.

* Councilperson Young asked for a "Porta John" at the Riverfront walking trail. Councilperson Saunders will bring that request to the Parks & Recreation Board.

* Councilperson Saunders wants to make it known to the community that council has not made

an agreement with Chesapeake Energy or any another gas company. He does not want any vehicles on the ball fields at all.

Manager Hendershot reported that he discussed with the gas company that council did not want any drilling rigs on the property. It was also discussed the possibility to access the property to install a pipeline across that would be buried replacing the ground back the way it was.

Manager Hendershot announced that he received another offer of interest from AB Resources at \$3200 per acre and 18% at the well-head.

MANAGER ITEMS:

Thank You Card.

The City of Moundsville Street Department received a thank you card from the Grand Vue Park staff for use of the street sweeper to help with the cleanup after their big concert weekend.

Energy Efficiency and Conservation Block Grant.

A letter was received from the Office of the Governor congratulating Moundsville on receiving grants in the amount of \$52,575 through the Energy Efficiency and Conservation Block Grant funded by the American Recovery and Reinvestment Act. The funds are for the replacement of windows, doors and HVAC systems in the City Building.

Ohio Valley Regional Transit Authority.

Manager Hendershot contacted Mr. Hvizdos of the Ohio Valley Regional Transit Authority to ask for a tentative schedule of bus stops if the levy should pass.

Revitalization, Beautification of the Central Business District.

Mr. Philip Remke has established the Revitalization, Beautification of the Central Business District Board consisting of three members, Joseph Inclan, Debby Emery and Phil Remke.

Recommendations will be approved by the RBC and funding paid by the City of Moundsville through the RBC account.

Funding Requested.

Manager Hendershot received a letter from Cali Young, Miss West Virginia 2010 asking for the City of Moundsville to purchase an ad for a Steak Fry to be held at the Moundsville Volunteer Fire Department to raise money for the Miss America Pageant. Council referred this item to the Finance Committee.

November 2, 2010 Regular Council Meeting.

Manager Hendershot reported that November 2 regular council meeting will be held on General Election Day. Councilperson Saunders made a motion to schedule the regular council meeting in November to Wednesday November 3, seconded by Councilperson Simms. Motion carried unanimously.

Councilperson Simms asked that Policy Committee discuss a section in the charter concerning the attendance of council meetings in one month.

MAYOR ITEMS:

* Mayor Wood apologized to the council members for the outburst earlier in the General Public Hearing.

* Mayor Wood reported high grass on Second Street. Also, Cedar Avenue house across alley from CARE has been cut.

* Mayor Wood reported debris behind the old Convenient Store that needs cleaned up.

* Mayor Wood commented on the situation that has Mr. Kachalo upset. He suggested looking at the code and using the section of noxious fumes to cite the individual allowing his vehicle to run unattended while fumes go into his house. Council members asked if they could be the one to file a nuisance charge against the neighbor. Manager Hendershot commented that council members could file the complaint but they would have to observe the violation. Manager Hendershot also commented that Mr. Kachalo needs to contact the Police Department when this violation is occurring.

* Mayor Wood asked if Chief Kudlak could invite newly hired police officer, William Whitelatch, to the next council meeting.

* Mayor Wood read page 3 of the Public Nuisance ordinance pertaining to “not permitting gambling devices and slot machines”. Manager Hendershot reported that Attorney White used the old public nuisance ordinance.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Wallace scheduled a finance meeting on Tuesday, September 14, 2010 at 5:00 p.m.

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson Simms scheduled a traffic meeting following the finance meeting.

Discussion and Approval of Recommendations by the Policy Committee.

Mayor Wood scheduled a policy meeting following the traffic meeting.

COUNCIL ITEMS:

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

* **Simms** - Asked the Building Inspector if a person was working on their own home would they need a permit if the amount is less than \$300. Building Inspector Mercer advised they did not need a permit if less than \$300.

* **Saunders** - Reported high grass on the back of Myrtle Avenue & 7th Street. Owners are Dalrymple.

* Asked if there was any more discussion on the East End property behind Curtis Avenue. Manager Hendershot asked the City Engineers to survey the property.

* Reported sinking in the street at the south/west corner of Ninth Street & Grant Avenue.

* **Wallace** - Reported the fire hydrant leaking at 11th Street & Jefferson Avenue; and 10th Street at Thompson Avenue.

* Reported holes need filled at 7th & Baker Avenue.

* **DeWitt** - Reported high grass in vacant lots at 8th Street & Lafayette Avenue and 9th Street & Lafayette Avenue.

* **Young** - Thanked the citizens in Moundsville for bringing things to his attention.

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

Meeting adjourned at 8:25 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor