

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
JANUARY 5, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on January 5, 2010 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by Councilperson K Mark Simms.

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, Street Commissioner Richmond, Building Inspector Wise, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

**MINUTES;**

**Regular Council Meeting of December 15, 2009.**

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of December 15, 2009, seconded by Councilperson Saunders. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\* Jim Kelsh, Sanitary Board Attorney, explained to council the two changes on page 2 of the ordinance concerning amounts of sewage rates for domestic service.

Mayor Wood asked Attorney White to read the 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 THE EXISTING RATE SCHEDULES FOR THE SANITARY DEPARTMENT OF THE CITY OF MOUNDSVILLE. (FIRST READING)**

Councilperson Simm made a motion to approve the ordinance as amended for the sanitary rates in the City of Moundsville, seconded by Councilperson Haynes.

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

**Discussion and Approval of a Resolution of the Moundsville Sanitary Board Recommending the Adoption of a Municipal Sewer Rate Ordinance by the City of Moundsville Council.**

Councilperson Simms moved to receive and file the Sanitary Board resolution, seconded by Councilperson DeWitt.

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

**OLD BUSINESS:**

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

\* Councilperson DeWitt asked Manager Hendershot if he & Chief Kudlak have considered purchasing the used cruisers from the Ohio Valley Ford? Manager Hendershot reported that Chief Kudlak has reviewed and recommends the purchase. The Chief has also checked with the Finance Director and Treasurer for the purchases. The vehicles will be advertised for bid and should be received by the next regular council meeting.

\* Councilperson Saunders announced that Four Seasons Pool is back in operation due to replacement of the boiler. The hot tub will need repaired and estimated cost for repair is approximately \$3200.

**NEW BUSINESS:**

**Discussion and Approval of an Ordinance Pertaining to Contractors and Sub Contractors to Have a Drug Free Work Place Policy. (First Reading)**

Attorney White read the following drug free workplace ordinance by title only to be passed by council on first reading:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, TO ENACT SECTION 735 OF THE MOUNDSVILLE CITY CODE REQUIRING CONTRACTORS AND SUB CONTRACTORS PERFORMING WORK FOR THE CITY TO HAVE A DRUG-FREE WORKPLACE POLICY THAT REQUIRES DRUG AND ALCOHOL TESTING. (FIRST READING)**

Vice Mayor Wallace made a motion to accept and approve the above ordinance, seconded by Councilperson Saunders.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Mayor Wood, DeWitt, Haynes, Saunders, Simms, Wallace and Young. 7 yeas. Motion carried unanimously.  
**Discussion and Approval of a Resolution of the Council of the City of Moundsville, West Virginia, Authorizing the Execution of a Certain Application for a Grant Through the Community Participation Program. (Moundsville Baseball Association - \$10,000)**

Councilperson Saunders asked what the Baseball Association was going to use the money for because they had not approached the Parks & Recreation Board concerning the grant. After some discussion, Manager Hendershot will contact the Baseball Association to inform them they will have to consult with the Parks & Recreation Board before applying for any grants.

Councilperson Young made a motion to approve the grant resolution for the Moundsville Baseball Association, seconded by Councilperson DeWitt.

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

**Discussion and Approval of a Resolution of the Council of the City of Moundsville, West Virginia, Authorizing the Execution of a Certain Application for a Grant Through the Community Participation Program. (Strand Theater Preservation Society - \$10,000)**

Councilperson Simms made a motion to approve the grant resolution for the Strand Theater Preservation Society, seconded by Councilperson Saunders.

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

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

\* Councilperson Saunders asked Manager Hendershot if he has contacted the owner of the Yellow Cab building on 4<sup>th</sup> Street to have the graffiti removed. Manager Hendershot stated that he has sent letters to the owner but has received no response.

\* Councilperson Saunders advised that he met with a sub-committee of the city policy manual and will present the Policy Committee with items for the agenda.

\* Councilperson DeWitt asked that Recreation employees clean the sidewalk with the snowblower on Fourth Street, Mulberry Avenue, Jackson Street and Railroad Avenue. She reported these areas are never cleaned of snow.

\* Councilperson DeWitt asked that Moundsville consider hiring a dog warden. She is constantly receiving calls about dogs and the Marshall County Animal Control will not respond because of the city ordinance.

After some discussion, Manager Hendershot recommended review of the animal ordinance and discussing hiring an animal control officer under the Policy Committee or Finance Committee.

**MANAGER ITEMS:**

### **MS-4 Permit.**

Manager Hendershot made contact with Tim Stranko of Steptoe & Johnson who suggested a meeting with council to discuss the MS-4 Permit process and ordinances. Mr. Stranko needs to know what direction council wants him to go.

### **Update on Sanford Center Committee.**

Manager Hendershot reported the Sanford Center Committee has been meeting every two weeks. On Saturday, January 23, 9- ?, the committee will hold a surplus sale of items left in the building, such as desks, chairs, tables, file cabinets, etc. The committee is moving forward with the incorporation, by-laws and 501-C-3 status.

### **Update on Fostoria Project.**

Manager Hendershot reported that Postesa has been hired to develop the asbestos mitigation plan and hoping to schedule a meeting soon along with DEP to clarify the sites to be abated.

### **Police & Fire Pension Update.**

Manager Hendershot expects the Police & Fire Pensions to be a critical issue in this years budget process. However, the manager has been in contact with Hallett & Associates who provide the actuary studies for the police & fire. Under the new state code there will be some savings to the city if they decide to convert. The Fire Chief does not see any major concerns with employee retention, but the Police Chief has expressed some concerns about pension issues. Manager Hendershot contracted with Hallett & Associates to perform a projection for the city. They will review both pensions, look at their assets, accrued liability and see where the city stands.

### **Historic Landmarks Commission Vacancy (Manager's Appointment)**

Manager Hendershot has appointed Jane Klug for a two year term to the Historic Landmarks Commission, the vacancy of Tom Vickers who resigned his position.

### **Reminder Letter to Council Concerning Parks & Recreation Board Review.**

Manager Hendershot reminded council that 6 months has passed for council's review to the Parks & Recreation Board. Mayor Wood suggested meeting with the Recreation Board to review the letter.

Councilperson Saunders reported the Parks & Recreation Board is meeting once a month with CPA Kathryn Goddard, they are trying to stay within the budget. Councilperson Saunders asked council to give the board a little more time before reviewing them.

### **Hazard Mitigation Plan.**

Manager Hendershot reported that Moundsville recently passed the Hazard Mitigation Plan in conjunction with Marshall County. FEMA has sent notice that the Marshall County Multi-Jurisdictional Hazard Mitigation Plan has been approved and adopted. The City of Moundsville is now eligible to apply for federal disaster assistance until the plan expires on December 15, 2014.

#### **DEP Drilling on Poplar Avenue.**

Manager Hendershot reported the DEP will drill on Poplar Avenue because of mine subsidence which is mostly on the east side of Poplar Avenue. Manager Hendershot entered into a Right of Entry Agreement with DEP to allow them to use the street and the alley to drill. DEP will pump in a concrete slur-mix to stabilize the houses.

#### **MAYOR ITEMS:**

\* Mayor Wood commented on Moundsville being in the news concerning the “flasher”. He hopes that officers find the suspect.

\* Mayor Wood asked Chief Kudlak when officers resign, do they have to reimburse anything to the city. Chief Kudlak reported approximate \$1500 for the academy training and uniforms if they leave within one year.

\* Mayor Wood complimented everyone involved with the Winter Carnival on December 31, 2009. There seemed to be a great turn out.

\* Mayor Wood complimented all the employees for providing food for the Christmas luncheon at the Street Department.

\* Mayor Wood reminded council members that discussion will be taking place concerning their street paving list.

\* Mayor Wood asked Manager Hendershot if he & Ms. Goddard have started the budget process? Manager Hendershot commented that budget forms have been distributed to department heads and he & Ms. Goddard will be working on the revenue projections.

#### **COMMITTEE REPORTS:**

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

Vice Mayor Wallace scheduled a finance meeting on Tuesday, January 12, 2010 at 5:00 p.m.

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

Councilperson Simms scheduled a traffic meeting to follow after the finance meeting.

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

Mayor Wood scheduled a policy meeting to follow after the traffic meeting.

**COUNCIL ITEMS:**

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

\* **Young** - Asked when officers resign then are hired at another department, do they take their years of service with them? Manager Hendershot commented their years of service are not transferred because the city's pension is not similar to the other departments.

\* Reported trees on 6<sup>th</sup> Street near Cedar Avenue hanging into street.

\* **DeWitt** - Reported the pine tree at 7<sup>th</sup> Street & Myrtle Avenue is obstructing the view of traffic coming up from the fairgrounds. Manager Hendershot said that Inspector Don Wise will check to see if there is a problem with the site triangle.

\* Reported that a citizen wanted to thank the Water Department for the response time to a call..

\* Told Chief Clarke that 1114 8<sup>th</sup> Street has been rented out and wanted to know if the house is up to code to be rented? Chief Clarke said that he can not stop Mr. Taylor from renting those houses. However, the Municipal Judge has given Mr. Taylor until the first court date in February to get those houses up to code.

\* Asked how many dog calls the city has received in the last three months? Chief Kudlak will research the calls.

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

\* **Saunders** - Reported the curb needs repaired at 7<sup>th</sup> Street & Grant Avenue.

\* Received a complaint that citizens want the city to be able to use direct deposit for Municipal Fees and Garbage bills. Manager Hendershot reported working on this with the Ms. Goddard.

\* Reported pot holes all over town.

\* **Wallace** - Asked Street Commissioner Richmond the status on the city's cinders & salt. Mr. Richmond reported the city being in good shape, they are just trying to keep up with the snow.

\* Wished to thank the Street Department for the Christmas luncheon and thanked all the

employees that contributed food.

\* Asked Manager Hendershot who is paying the utility bills for the Sanford Center? Manager Hendershot reported the bills are in the city's name but will be forwarded to the Sanford Center. They have \$5,000 from the County Commissioners and \$5,000 from the MEDC. As soon as the lease agreement is settled, their insurance will take over.

Vice Mayor Wallace made a motion to adjourn, seconded by Councilperson Simms. Motion carried unanimously.

Meeting adjourned at 8:08 p.m.

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Sondra J. Hewitt, City Clerk

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David Wood, Mayor