

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JULY 20, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on July 20, 2010 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation was given by Councilperson 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, Asst. Fire Chief Walker, Street Commissioner Richmond, Building Inspector Mercer, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: Fire Chief Clarke.

MINUTES:

Regular Council Meeting of July 6, 2010.

Councilperson Haynes made a motion to accept the minutes of the regular council meeting of July 6, 2010, seconded by Councilperson Simms. Motion carried unanimously.

PRESENTATION:

Mayor Wood and Police Chief Kudlak presented Linda Watson, Retired Data Entry Clerk with awards for 24 years of service in the Moundsville Police Department.

GENERAL PUBLIC HEARING:

* Harry Sacco and David Rhodes, Lincoln Financial Group, spoke to council concerning the City's employee pension.

* Gary Francis, 199 S Highland Avenue, requested help with a drainage problem between his house and 194 S Highland Avenue. Mr. Francis provided pictures to council showing how the water runs off the hill and down Highland Avenue carrying all the gravel in the road and in neighbor's driveways. After some discussion, council referred this matter to the Traffic Committee.

* Nick Magnone, 194 S Highland Avenue, also commented the area being an ice rink in the winter time.

* Carl Boso, 305 Tenth Street, asked for permission to remove his car port at the boat docks that he is leasing from the city if he ever decides to cancel his lease.

After some discussion, Councilperson Simms made a motion to allow Carl Boso to remove his anchored structure on the leased boat dock property, seconded by Councilperson Saunders.

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

Mr. Boso also commented on the additional camper spaces that City Manager Hendershot allowed Brad Varlas to put on his property. Mr. Boso said the request should have come before the Planning Commission again and City Manager Hendershot said the request was just an addition to his present camping area.

Mayor Wood suggested that Attorney White research the complaint of the Varlas property and let the City Manager know what he finds.

* George Kachalo, 31 Fostoria Avenue, asked why the city moved the alley behind his house taking some of his property. He reported that he had to call the police on the neighbor for tearing through the alley throwing gravel everywhere. Also complained of the storm sewer backing up into yards.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson Young asked for an update on the water leak at First Street & Jefferson Avenue. Manager Hendershot reported the water department put in a new valve at First Street & Tomlinson Avenue to alleviate the pressure at First & Jefferson because of the several large lines that run together at the intersection. The hydrant is going to be moved from First Street to Jefferson Avenue to protect it from being hit by tractor trailers and put one in that has a shut off valve.

* Councilperson Saunders reported the grass being cut at the house on Curtis Avenue. Asked for any updates on 1501 & 1514 Fourth Street and 1214 Fourth Street. Manager Hendershot reported having no updates on the progress but did have a meeting with Chief Kudlak, Chief Clarke, Building Inspector and Office Supervisor to discuss updated lists on all the reported properties.

* Councilperson DeWitt asked if Manager Hendershot heard from DOH concerning the turn arrows at the 12th Street & Lafayette Avenue intersection crossing the bridge west turning north. Manager Hendershot reported that he mentioned the arrows to DOH but they have not informed him of anything at this time.

* Councilperson DeWitt asked if the Street Department patched Garfield Street from Pearl Street to 12th Street. Street Commissioner Richmond reported the street is partially done, equipment

broke down but they will finish the patching on Wednesday.

* Councilperson DeWitt showed fellow council members pictures of Morton Avenue between 10th & 11th Street. She asked that council put this street at the top of the paving list.

* Councilperson Haynes asked if anything has been done on the Roberts property at 91 Highland Avenue. Mr. Roberts called him during the storm Sunday evening and reported water gushing down his yard.

Manager Hendershot reported that Street Commissioner had a waiver signed by Mr. & Mrs. Roberts so the Street Department can enter onto their property to unclog the pipe. The clog is causing all the backup. The estimate for replacing 200 foot or 30 inch pipe at \$25.00 per foot plus the joints is approximately \$5,000. Manager Hendershot noted in order to replace the pipe the city will have to have an easement.

Councilperson Saunders made a motion to direct the City Attorney to draft the easement, proceed with replacing the pipe after unclogging temporarily, and seconded by Councilperson Simms.

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

* Councilperson Simms reported while at the 5th Street & Jefferson Avenue intersection he had to pull out into the intersection to see oncoming traffic. Discussion was held on extending the yellow line again or installing a mirror.

After further discussion, Councilperson Wallace made a motion to make 5th Street & Jefferson Avenue intersection a 4 way stop, seconded by Councilperson Simms.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Haynes, Saunders, Simms, Wallace, Young voting yea. 5 yeas. DeWitt and Mayor Wood voting nay. 2 nays. Motion carried. Manager Hendershot will have to contact DOH to request this 4 way stop.

NEW BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Municipal Elections. (First Reading)

Attorney White read the following elections 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 AND REENACTING SECTIONS OF THE CITY CODE OF

MOUNDSVILLE TO ESTABLISH ELECTION DAYS AND RELATED TIME LINES TO COMPLY WITH THE CITY CHARTER. (FIRST READING)

Councilperson Simms made a motion to approve the elections ordinance, seconded by Councilperson DeWitt.

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

Discussion and Approval of Bids Received for 4 Used Police Cruisers.

Councilperson Simms made a motion to accept the bid of \$30,500 for 4 used Police Cruisers from Whiteside Chevrolet Inc, St. Clairsville OH, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a Lease Agreement for the Purchase of 4 Used Police Cruisers.

Councilperson Saunders moved to approve the resolution authorizing the City Manager to enter into a lease agreement for the purchase of the police cruisers, seconded by Councilperson DeWitt. Motion carried unanimously.

Discussion and Approval of Budget Revision #1 for the 2010-2011 General Fund.

Finance Director, Kathryn Goddard reported a change in the budget revision concerning accounts payable invoices that had not been received or entered into system in the amount of \$57,000. The budget revision has been modified.

Councilperson Simms made a motion to approve budget revision #1 General Fund as amended, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of Budget Revision #1 for the 2010-2011 Coal Severance Fund.

Councilperson Simms made a motion to approve budget revision #1 Coal Severance Fund, seconded by Councilperson Saunders. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Saunders asked if the Street Department received the street sweeper yet? Manager Hendershot reported the sweeper was ordered. Street Commissioner Richmond reported the sweeper being delivered in approximately 2-3 weeks

MANAGER ITEMS:

Business After Hours.

The Marshall County Chamber of Commerce Business After Hours will be sponsored by Hughes Xerographic on Thursday, July 22, 2010 from 5-7 p.m., at Grandview Park Shelter #1. Council members interested in attending must contact Marilyn.

Power of 32 Community Conversation.

The Marshall County Chamber of Commerce and the Marshall County Family Resource Network has invited council members to help shape the future of the county as well as the region by taking part in the Power of 32 Community Conversation on July 22, 2010 at 12: p.m. at the Grand Vue park banquet hall.

FEMA Mitigation Acquisition Buyout Program.

This program was advertised some time ago which seven local residents opted to participate in. The participants have gone through the first screening process. The screening is handle through the Marshall County Commission. Manager Hendershot noted that council needs to decide whether they wish to participate in this program and explained the process. If the homeowner applies for the process and are approved, FEMA, through the state, purchases the property from the homeowner at the fair market value. The property then becomes the property of the city. FEMA, through the state, takes care of the demolition and no structure can ever be built on that property again. This item will be on the Policy Committee agenda for further discussion.

Brownfields Grant Review.

Manager Hendershot reported on Wednesday at 10:00 a.m., the EPA will review the Brownfields Grant with Fostoria. The meeting will start in the council chambers to review the grant application with Belomar and Patrick Kirby then proceed to the site.

MS-4 Permit.

Manager Hendershot reported meeting with the MS-4 Board and reviewed the potential of placing the storm water management bill on the water bill but have since decided to place the fee on the municipal fee/refuse bill. The storm water agency will pay for the software and billing will begin at the end of August 2010.

Other Items by City Manager.

* Councilperson Saunders asked for an update on the Sanford Center. Manager Hendershot reported no new tenants and a meeting is scheduled for Wednesday.

MAYOR ITEMS:

* Mayor Wood asked Attorney White if he had time to research the discussion that concerned the Fair Board and Hillbilly Mud Bog. Mr. White reported that he has researched the city's B&O but nothing further.

* Mayor Wood asked if the option was still open for council to meet with Department Heads to see what kind of equipment each may need to better operation. Purchasing equipment would use fund saved from the Fire & Police Pensions. Manager Hendershot commented that very little was left when \$57,000 was used to modify the 2009-2010 General Fund Budget.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Discussion & Review of Comparison Study for Proposed Employee's Pension Plans. The committee recommended that Harry Sacco and David Rhodes from Lincoln Financial Group provide council with a presentation consisting of five to ten minutes be made either at the first council meeting in August or August Finance Meeting.
2. Review of Proposed Water Rate Increase. The committee was informed that the Water Board has decided not to pursue the increase at this time.
3. Discussion of Complaint against the Hillbilly Mud Bog Licensing and B&O Tax. City council recommended that Beth Bertram of Marshall County Fair Board, Terry Ashby of the Hillbilly Mud Bog and Carl Boso be invited to the meeting. Committee recommends legal opinion from City Attorney as to whether this is a non-profit organization that needs to be licensed. This information is needed by July 20th Council Meeting.
4. Discussion of Jefferson Avenue Beautification Request. Committee recommends notifying Mr. Remke of the decision to deny the request.
5. Discussion & Review of Financial Statement for June 2010.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion of 2010-2011 Paving List & Financing. Committee recommends to approve the paving of Fifth Street from Tomlinson Avenue to Grant Avenue and two blocks of Center Street from Mulberry Avenue and Center Street and Maple Avenue to Elm Avenue.

Councilperson Simms made a motion to pave Fifth Street from Tomlinson Avenue to Grant Avenue. One block of Center Street and Morton Avenue from 10th to 11th Street, seconded by Councilperson Saunders.

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

unanimously.

2. Discussion & Approval of Request for street light on Jackson Street & Curtis Avenue. Size of light on existing pole was increased to see if that corrects problem.

3. Discussion of City Building Parking Lot being used for "City Business Parking Only." Committee recommends sign be placed at each entrance to the lot to read as stated above.

Councilperson Simms moved to place "City Business Parking Only" signs in city lot, seconded by Councilperson Saunders.

Mayor Wood announced nay vote by Councilperson Young. Motion carried.

4. Discussion & Approval of Request from Regional Jail for reserved parking space at Court House. Committee recommends to advise the NRJ to make contact with the Sheriff Department to see if a spot on Sixth Street by former jail would be available, if Fostoria Museum would rent a space to them or contact the Magistrate Office to see if space is available in their lot.

5. Discussion of Grant Easement to National Guard on Ninth Street from Garfield East. Committee was informed the National Guard was asked for this to be placed on hold at this time.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of Agreement with Chesapeake Appalachia and City for Drilling. Waiting on additional information from company that was discussed during negotiations.

2. Discussion of Proposed Ordinance regarding Rental Housing Registration. Committee recommends to refer to August Policy Meeting.

3. Discussion & Review of City Code pertaining to Nuisance Abatement Ordinance. City Attorney has prepared draft separating nuisance from abatement sections adding section 1103. This will need forwarded to City Clerk, Police and Fire Chiefs for their review. This will be placed back on agenda for August Policy Meeting.

4. Discussion of Implementing Policy dealing with Health Insurance Buy Out Option. Ordinance drafted by City Attorney. To be placed on August Policy Agenda.

5. Discussion of Amendment in City Code; Article 103.01 & 103.14. Committee recommends ordinance to be placed on the council agenda for July 20, 2010 meeting.

COUNCIL ITEMS:

* **Young** - Motioned for an Executive Session after the regular council meeting for personnel matters, seconded Councilperson Wallace. Simms voting no. Motion carried.

* **Wallace** - Nothing at this time.

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

* **Haynes** - Asked if the 6 ft fence on Drummond Street & Simpson Avenue was legal. The person that installed the fence is not the owner of the property. Manager Hendershot reported that the Building Inspector has stopped the job until the owner can go before the Planning Commission.

* **Saunders** - Thanked the Street Department for cutting grass on Curtis Avenue.

* Reported a wrecked truck on the property at 2409 Kanawha Street.

* Reported a large tree hanging into street at 1526 Sixth Street.

* **DeWitt** - Reported holes at the intersection of 8th Street & Washington Avenue.

Councilperson DeWitt made a motion to go into executive session for personnel matters, seconded by Councilperson Saunders.

Meeting recessed at 8:40 p.m.

Meeting reconvened at 8:47 p.m.

Executive Session began at 8:47 p.m.

Executive Session adjourned at 8:57 p.m.

Councilperson Wallace made a motion to adjourn, seconded by Councilperson Saunders.

Meeting adjourned at 8:57 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor