

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MARCH 17, 2009**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on March 17, 2009 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by City Manager Allen Hendershot.

City Clerk 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 Foreman Stocklask, Building Inspector Vickers, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: Street Commissioner Richmond.

MINUTES:

Regular Council Meeting of March 3, 2009.

Councilperson Haynes made a motion to accept and approve the minutes of the March 3, 2009 regular council meeting, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Kim Brooks, 208 11th Street, opposed the zone change at 1008 Thompson Avenue and passed out articles to council pertaining to the WV State Code.

* Mr. Kachalo, 31 Fostoria Avenue, commented that he is upset that council will not help him with the problems he is having with the measurements on his deed.

* Gary Hartley, owner of Hartley's Marine, 107 13th Street, made comment that businesses can build in flood zones but it becomes very expensive. Mr. Hartley was also upset that officials were not aware of the State Code amendment before now.

* Dwight Cunningham, 1301 Fourth Street, asked for council's support in passing the zone change at 1008 Thompson Avenue. He informed council that he is investing in flood gates and is following the flood regulations. Mr. Cunningham feels that others who have had zoning ordinances passed since the July 2008 change should also have their zone change done over.

Public hearing to Discuss the Proposed 2009-2010 General Fund Budget.

Mayor Wood opened the floor for discussion or questions in the audience on the proposed 2009-2010 General Fund Budget. With no discussion or questions, the public hearing was closed.

OLD BUSINESS:

Discussion and Approval of a Zone Change Ordinance for 1008 Thompson Avenue. (First Reading)

Attorney White 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 AT OR NEAR 1008 THOMPSON AVENUE IN THE CITY OF MOUNDSVILLE FROM A MULTI-FAMILY RESIDENTIAL ZONE (R-M) TO A COMBINED CENTRAL BUSINESS & HIGHWAY COMMERCIAL ZONE (C-C-C-H). (FIRST READING)

Councilperson Simms made a motion to approve the zone change ordinance, seconded by Councilperson Saunders for discussion.

Councilperson Saunders explained that he opposes this zone change because it has already passed first and second reading.

Mayor Wood called for a voice vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

Discussion and Approval of a Zone Change Ordinance for 109 13th Street. (Second Reading)

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

AN ORDINANCE FO THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA AT OR NEAR 109 THIRTEENTH STREET IN THE CITY OF MOUNDSVILLE FROM A SPECIAL RECREATIONAL ZONE (S-R) TO A NEIGHBORHOOD COMMERCIAL ZONE (C-N). (SECOND READING)

Attorney White advised council members to table the second reading of this ordinance until April 21, 2009 in order to have legal publications in the Moundsville Daily Echo thirty days before second reading. The zone change ordinances for 1008 Thompson Avenue and 109 13th Street must have Class-II legal ads to become official. Attorney White recited the procedure from the WV State Code on zone change ordinances which was amended in June of 2008.

Councilperson Haynes made a motion to table this zone change ordinance until April 21, 2009, seconded by Councilperson Simms.

Mayor Wood called for a voice vote. City Clerk announced the following tally. 6 yeas, 1 nay. Saunders voting nay. Motion carried.

Other Items to be Discussed by Council.

* Councilperson Haynes asked if there was any way to check sewer lines for illegal dumping? Manager Hendershot advised they could, but he will have to contact Sanitary Board Superintendent. Councilperson Haynes advised that he will contact Manager Hendershot later on the matter.

NEW BUSINESS:

Discussion and Approval of the 2009-2010 General Fund Budget.

Councilperson Saunders made a motion to approve the 2009-2010 General Fund Budget, seconded by Councilperson Haynes. Mayor Wood called for a voice vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

Discussion and Approval of a Resolution Entering into One Card Purchasing Program.

Councilperson Simms made a motion to approve the resolution entering into one card purchasing program, seconded by Councilperson Haynes. Mayor Wood called for a voice vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

Receive and File Moundsville Sanitary Board 2009-2010 Budget.

Councilperson Haynes made a motion to receive and file the Moundsville Sanitary Board 2009-2010 Budget, seconded by Councilperson DeWitt. Motion carried unanimously.

Request from Life Song Ministries to Waive License Fees for Vendors for June 12 & 13, 2009 Riverfront Festival.

Councilperson Young made a motion to waive the license fees for vendors for the June 12 & 13, 2009 Riverfront Festival, seconded by Councilperson Haynes. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Wallace asked Manager Hendershot to place the discussion of raising parking meter fines on the Finance Committee agenda.

* Councilperson Saunders asked Manager Hendershot what the procedure was for condemning buildings in Moundsville because he has reported 303 Morton Avenue several times and nothing is being done with it. Manager Hendershot assured Councilperson Saunders the process has

been started for 303 Morton Avenue.

* Councilperson Saunders asked for an update on the Fostoria project. Manager Hendershot the contractors are still working. They have brought in some larger equipment to work with.

MANAGER ITEMS:

Construction Safety Outreach Program.

Manager Hendershot congratulated 15 city employees for completing a 30 Hour Construction Safety Outreach Program. The program was paid for by the city's compensation provider, Brickstreet Insurance.

House Bill 3158 - Police & Fire Pension.

Manager Hendershot reported that he has been in contact with Delegate Scott Varner concerning House Bill 3158 being introduced to the legislatures that would allow municipalities to go back to the standard payment method which is actuarial numbers, not the 107%. Also, it was discussed extending the actuarial soundness date to 40 years from this date.

Direct Justice Assistant Grant.

Manager Hendershot announced that the City of Moundsville has been eligible recipients of a Direct Justice Assistance Grant (JAG) from the Bureau of Justice Assistance (BJA) in the amount of \$24,068.00.

MAYOR ITEMS:

* Mayor Wood congratulated the Chamber of Commerce for their well attended Home & Garden Show held at the Training Center.

* Mayor Wood announced the Marshall County Chamber of Commerce is sponsoring Business After Hours hosted by Tri-State Audiology, 1307 Wheeling Avenue, Glen Dale. Contact Marilyn Kaufman if council members are interested in attending.

* Mayor Wood asked Manager Hendershot to invite a representative from the WV Port Authority and from the Technology Group to a meeting to discuss their programs.

* Mayor Wood asked Manager Hendershot to give updates on the Fostoria project at every council meeting.

* Mayor Wood asked Manager Hendershot to explain what was discussed at the Water Board and Sanitary Board meeting that he was asked to attend concerning splitting cost of purchasing a new low-boy to haul the excavator. Several options were discussed that Manager Hendershot

will bring before the Finance Committee.

* Mayor Wood clarified the reason he is calling for roll call votes is based upon the importance of the question that is before council.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Discussion & review of One Card Purchasing Program through the Office of the State Auditor.

Recommendation was to approve on trail basis.

2. Discussion of proposed 2009-2010 General Fund Fiscal Year Budget.

Recommendation was to approve the 2009-2010 General Fund Budget.

3. Discussion of purchasing a used lowboy trailer to haul excavator.

Recommendation was to approach the Water & Sanitary Boards to purchase the lowboy trailer.

4. Consider increasing parking meter ticket fines.

Recommendation was to contact other cities for their amounts and to obtain amount of tickets written each month.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion of paving priority list 2009.

Councilperson Simms made a motion to proceed with the bid process on the following streets, Washington Avenue - Second Street to Third Street; Sixth Street - Jefferson Avenue to Grant Avenue; and Park Street - Linden Avenue to Locust Avenue, seconded by Councilperson Haynes.

Mayor Wood called for a roll call vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

2. Discussion of request for Simmons Drive permit parking on one side only.

Recommendation was to bring before full council for a vote. After some discussion, Councilperson Haynes said that he would speak to the parties involved to see if this can be resolved. Place on next traffic meeting agenda.

3. Discussion of request for handicapped parking permit at 1030 Morton Avenue.

Councilperson Simms made a motion to approve the handicapped parking permit at 1030 Morton Avenue, seconded by Councilperson Saunders.

Mayor Wood called for a roll call vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion & review of the Flood Plain Ordinance.

Recommendation was to consider at a later date after the meeting has been held with City Attorney, Building Inspectors and City Manager.

2. Discussion of establishing goals for council members. Mayor Wood distributed goals to be considered and referred to the April Policy meeting.

3. Discussion & review of random drug testing policy regarding State's definition for safety sensitive employees.

Recommendation was for the City Attorney to review and report back at April Policy meeting.

COUNCIL ITEMS:

* **DeWitt** - Reported that she had spoke to Auctioneer Brian Howard who wanted to inform council he was holding a liquidation sale at the Marshall County Fairgrounds on March 28, 2009 if the city would be interested in auctioning some of their vehicles or equipment.

* Thanked the Street Department for fixing hole on 10th Street in front of the Pavilion.

* **Saunders** - Asked that the right turn signs at 7th & Jefferson and 5th & Jefferson should exclude weekends.

* Commended the Street Department on patching the holes in town.

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

* **Young** - Thanked all the departments for the hard work they do.

* Reported 1214 Fourth Street needs repaired or demolished.

* **Wallace** - Asked if the city was allowed to participate in private auctions that Councilperson DeWitt was speaking about? Attorney White thinks that participating in an auction would be

OK, but will research for sure.

* Asked if the city was helping maintain the road going through the fairgrounds and if so, asked that the large holes be patched. Manager Hendershot advised the city does help with maintenance.

* Reported that street light out on Rt. 2 in front of Advance Auto & in front of Gumby's.

* Reported a major pot hole at the 300 block of 9th Street.

* **Simms** - Announced that he was troubled with passing on first reading the zone change at 1008 Thompson Avenue when it was already made an ordinance. He also asked if the city was obligated to abide by the Comprehensive Plan especially one dated 1970?

* Asked if Councilperson DeWitt bought cakes from the Boy Scout Cake Bake? She reported that she did & dropped them off at the City Building.

* Reported the street & curb crumbling in front of 1420 Ninth Street.

* Wished to thank the Moundsville Volunteer Fire Department for reducing the city's contribution to them by \$3800.

* **Saunders** - Asked for a few minutes of Councilperson Simms time to ask when the traffic light was going to be removed at 5th & Jefferson Avenue. Manager Hendershot advised that he contacted WV DOT engineer assigned to the project but he has been out of town. Manager Hendershot also advised Councilperson Saunders that this type of request takes a long time for DOH to decide.

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

Meeting adjourned at 8:12 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor