

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JUNE 2, 2009**

The Council of the City of Moundsville met in regular session in the Council Chambers on June 2, 2009 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by the 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, Fire Chief Clarke, Street Commission Richmond, Building Inspector Wise, CPA Kathryn Goddard, City Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of May 19, 2009.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of May 19, 2009, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Linda Markey, 21 Fostoria Avenue, reported damage to her foundation during the last two storms. She noted that she contacted her insurance who informed her they will not cover the damages. Mrs. Markey provided pictures to council members.

Manager Hendershot said that he is aware of damage caused by the storms. He encouraged Mrs. Markey to stop by the City Building and provide us with information. The city will then turn the damage into their insurance. Manager Hendershot did make Mrs. Markey aware that the insurance may not cover the damage.

* Amy Toler, 27 Fostoria Avenue, also reported some damage, but hopes that council could help in correcting the problem that leads to the flooding.

Manager Hendershot informed Mrs. Markey & Ms. Toler that they will check out the situation tomorrow.

* Carmina Oakland, 29 Fostoria Avenue, thanked the street department for removing all the trash in the area behind her house & reported damage to tiles on the foundation of her house.

Manager Hendershot also advised Mrs. Oakland that she could also provide information to the city and file a claim with their insurance company.

* David Knuth, Strand Theater Preservation, invited council to join them for a “hard hat lunch” on June 24 at 11:30 a.m. A brown bag lunch will be served at the former Grisell home on Fifth Street and a tour through the Strand Theater. Invitations will be sent in the mail.

* Jason Turner, 412 Glenwood Avenue, spoke to council on behalf of the Marshall County Tourism Committee and asked for financial support of \$2500 per year for a “Tourism Leader”. Mr. Turner suggested the possibility of using the city’s Hotel/Motel Tax.

* Paul Kirby, MEDC, added to Mr. Turner’s discussion in hopes that the Marshall County Commission, Marshall County Chamber of Commerce, MEDC, as well as the City of Moundsville help with funding the Tourism Committee.

* Kristen Hendershot, 1 Hess Court, spoke to council on the importance of after school care for Marshall County children.

* Phil Remke, 227 Jefferson Avenue, asked council to speak with delegates concerning property insurance.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Mayor Wood commented on the situation at Central Elementary stating his comment at the last council meeting concerning the handicapped bus was that not every handicapped bus has a physically handicapped child on that bus. There are other kids that have disabilities that ride that bus.

* Mayor Wood asked Chief Kudlak if any complaints had been filed concerning the barking dogs in the Meighen Avenue area. Chief Kudlak commented that complainants need to contact the police department at the time the problem is taking place, not weeks later.

* Councilperson Haynes asked Manager Hendershot if the city was going to help Mr. Wolfe on Sandy Avenue with the large hole in his yard.. Manager Hendershot reported the first thing done was to block the drain that actually serves the street. The plan is to seal it off so it does not collapse. Street Commissioner Richmond also noted they will fill the pipe with a slurry mix so the pipe will never collapse.

* Councilperson Saunders asked if administration could speed up the process used to notify owners of their dilapidated houses? Manager Hendershot commented that administration could speed up the initial notifications. This would cut down the time between the initial notification and the official notification.

* Councilperson Simms informed council that the owner of the house on Morton Avenue is in the process of tearing it down.

NEW BUSINESS:

Discussion and Approval of a Zone Change Ordinance for First Street & Grant Avenue from a General Residential (R-G) to a Highway Commercial (C-H). (First Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA AT OR NEAR FIRST STREET AND GRANT AVENUE IN THE CITY OF MOUNDSVILLE FROM A GENERAL RESIDENTIAL ZONE TO A HIGHWAY COMMERCIAL ZONE. (FIRST READING)

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

Attorney White asked Building Inspector Wise explain his findings concerning the property located at First Street & Grant Avenue.

Building Inspector Wise reported that he found that his research shows the area in question as commercial property and the property is in compliance with the Comprehensive Plan.

Councilperson Haynes amended his motion to include the zone change ordinance is consistent with the Comprehensive Plan, seconded by Councilperson Saunders.

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

MANAGER ITEMS:

Discussion of Purchasing a New Police Cruiser.

Manager Hendershot reported that a police cruiser has been paid off and funds are already budgeted.

Councilperson Simms made a motion to purchase a new police cruiser for the Police Department, seconded by DeWitt.

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

Annual Antique Car Show.

Manager Hendershot reminded council of the Moundsville Annual Antique Car Show on Friday, June 5, 2009 from 5 p.m. to 9 p.m.

Pot Holes on Lafayette Avenue.

Manager Hendershot contacted DOH concerning the pot holes on Lafayette Avenue. DOH is planning to start this week on Lafayette Avenue grinding & patching.

Fostoria Property Update.

The developer estimated another month before they get the area that is cross contaminated clean. Raze has moved the debris in a large pile where they hand sort everything. A grant for \$200,000 was received for the remaining abatement of the Fostoria buildings.

5th Street & Jefferson Avenue Traffic Signal.

Manager Hendershot reported that DOH has completed their initial study and they do recommend the traffic light be removed. However, Federal Policy suggests the lights be placed on flash. Manager Hendershot suggested placing stop signs at the intersection in conjunction with the flash. Chief Kudlak does not recommend two traffic control devices at one intersection. DOH will continue to study the intersection to consider a 4-way stop or 2-way stop.

Storm Caused Damage to Street & Houses.

Manager Hendershot contacted the Marshall County Office of Emergency Management, the State OEM and Homeland Security and Local Legislatures concerning the recent storm that damaged many houses and alleys in town, and damage to a section of Highland Avenue. Manager Hendershot spoke with City Engineer Jack Tush asking him to include Highland Avenue in the bid process.

Update on the Simmons Apartment Structure.

Manager Hendershot has been in contact with the owners of Simmons Apartments. They are beginning the testing process on the materials to determine if they are hazardous and continuing to move forward.

Stimulus Money Available.

Manager Hendershot announced stimulus money has become available to city and county governments to make their buildings more energy efficient. This area is controlled by BelOMar

and has been earmarked for approximately \$600,000. Hopefully, the city will get a share of the grant.

Vacant Shop & Save Building.

After council's suggestion, Manager Hendershot contacted the owner of the Shop & Save building who said they had several local individuals who expressed interest in purchasing the building. Since negotiations have not been met, the owners will be placing the sale on a national website. At this point the building will be advertised for sale or lease of the whole building.

Northern Panhandle Workforce Investment.

The City of Moundsville has received a contract with Northern Panhandle Workforce Investment Board for eight(8) summer workers and one(1) supervisor. They will be helping the Street Department with mowing and curb painting.

Near Earth Object Foundation.

The Near Earth Object Foundation in collaboration with the West Liberty University SMART-Center and Astrolabe astronomy club is requesting permission to place a NanoScale Planet Walk on the Moundsville/Glen Dale trail. The Planets, the Sun and the respective distances and sizes will be depicted at a 1 billionth scale (NanoScale). Council authorized the Manager to proceed with the project.

MAYOR ITEMS:

- * Mayor Wood announced a concert at the Riverfront Park on June 11, 2009.
- * Mayor Wood asked for an update on the bus transportation. Manager Hendershot reported nothing further other than OVRTA administratively going through the process to bid the routes.
- * Mayor Wood asked City Clerk about the annual summer Municipal League Conference in Charleston. City Clerk reported the annual conference will be in Charleston on August 5, 6, & 7th, 2009. All Council members interested in attending must contact the City Clerk.
- * Mayor Wood thanked whoever was responsible for having the weeds cut along the Fostoria.
- * Mayor Wood wished to thank all those involved in the river tragedy.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Wallace scheduled a finance meeting on Tuesday, June 9, 2009 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 Police Committee.

Mayor Wood scheduled a policy meeting following the traffic meeting.

COUNCIL ITEMS:

* **Wallace** - Asked the Street Commissioner Richmond to replace the Riverfront Park sign near the Prima. Words are not visible.

* Reported a tree hanging over street at 14th & Lockwood Avenue. Street Commissioner reported he spoke with the owner's son who would like to be present when the tree is being trimmed.

* Condolences to the family of Eligha Anderson.

* **Saunders** - Asked if the old street sweeper can be replaced with a new one? Manager Hendershot reported the city considered purchasing a new Pelican sweeper but could not budget the funds because they are still paying on the other sweeper. Councilperson Saunders asked council to look at the budget again to try to find funding.

* Reported the guardrail at the entrance of Harmony Drive is stick out & sharp. Street Commissioner Richmond advised they have checked with the state but have not been able to locate it but they are working on fix the edge.

* Provided City Manager with a list of deteriorating houses in town.

* **Young** - Condolences to the Anderson Family on the loss of their son.

* Thanked the Water Department for fixing the street at First Street & Poplar Avenue.

* Reported high grass at 315 Poplar Avenue.

* Asked if the City was hiring another officer to replace Trevor Goode? Manager Hendershot advised they are in the process.

* Wished to thank all employees for the jobs they do.

* **Haynes** - Reported pot holes from the top of Linden Avenue to the bottom of Locust Avenue.

- * **Simms** - Received complaints about the trailer at 1607 Ruby Street. Manager Hendershot advised the city could look at the situation.
- * Commented on the problem at 4th & Grant with traffic thinking the intersection is a 4-way stop because of the truck route signs. Chief Clarke asked the street department after the accident to trim the tree that is obstructing the sign.
- * Manager Hendershot commented that the stop signs at Hancock Street & Mulberry Avenue have not been installed because of the trees that would be hanging over the signs.
- * Reported street light out in city lot by Morton Avenue.
- * Thought that council approved the purchase of a cutting machine that cut the median for the street department. Manager does not recall the approval, but he & the Street Commissioner have been discussing the need for some type of equipment for the median. DOH is going to assist in spraying the area.
- * Extended his sympathy to the Anderson family on the loss of their son who Councilperson Simms knew.
- * **DeWitt** - Commended all departments involved in the search for Eligha Anderson and extended sympathy to his family.
- * Asked about the city's tethering ordinance and would like the County Commission and the City to meeting concerning issues of dogs running loose in the city. She would also like to invite Cindy Brautigan from the animal shelter to the meeting.
- * Reported a large hole on Garfield Street between Diamond Street & Pearl Street also the corner of Ruby & Garfield and the north gate of the former prison.
- * When functions are being held at the former prison, people park on the yellow lines at the intersections especially at 8th & Washington Avenue.
- * Reported telephone pole is broken at 7th & Baker.
- * Asked about why the city does not recycle any more and will they start the program again? Manager Hendershot reported since the city changed from a class II to a class III city recycling is no longer required. Also, there is no market for recycled materials in this area.
- * Reported the gate to the old barracks is unlocked and windows are broken.

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

Meeting adjourned at 8:32 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor