

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
AUGUST 10, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on August 10, 2010 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation was given by Mayor David Wood.

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

**MINUTES:**

**Regular Council Meeting of July 20, 2010.**

Councilperson Saunders moved to accept and approve the minutes of the regular council meeting of July 20, 2010, seconded by Councilperson Young. Motion carried unanimously.

**PRESENTATION:**

**Presentation to Raymond Yoho, Moundsville Volunteer Firefighter, for 50 Years of Service.**

Mayor Wood presented Raymond Yoho with a Certificate of Appreciation for his 50 years of service for the Moundsville Volunteer Fire Department.

**GENERAL PUBLIC HEARING:**

\* Wayne Lemasters, 1501 Fifth Street, asked that council change their paving list and add Fifth Street from Grant Avenue to Cedar Avenue.

\* George Kachalo, 31 Fostoria Avenue, asked why the city moved his alley and asked why the police allow his neighbor to park his vehicle very close to his house letting the motor run blowing fumes into his house.

\* Allen Dennis Yoho, 1104½ Fifth Street, reported the dumpster being used at 401 Grant Avenue has items placed outside the dumpster when City Manager Hendershot said that Mr. Hewitt must place items inside the dumpster. Mr. Yoho asked for gravel in the alley to fill the ruts made by

the garbage trucks.

Mr. Yoho asked council to make an addition to the sanitation ordinance that will eliminate bringing foreign matter for residential garbage pickup.

\* David Knuth, Strand Theatre Preservation Society, asked council for a letter of endorsement for an outdoor concert outside of the strand on September 11, 2010. The endorsement letter will be sent to the WV ABCC in order to serve beer at the concert.

Mayor Wood advised Mr. Knuth this item will be discussed under new business.

\* Debbie Riggs, 1510 Fifth Street, along with Mrs. Heilman, 1514 Fifth Street and Mrs. Wise, 1516 Fifth Street requested that Fifth Street be considered for paving. She commented that Fifth Street was not so bad until the Gas Company starting digging up the street in several areas.

\* Michaela Karr, 401 Eleventh Street, asked if the contractors that were reconstructing the former car wash had license and permits. She asked why residents were not informed that contractors were going to be working there. She believes with the heavy equipment pounding into the cement the vibration has damaged her house. Mrs. Karr passed pictures around to council.

## **OLD BUSINESS:**

### **Discussion and Approval of an Ordinance Pertaining to Municipal Elections. (Second Reading)**

Attorney White read the following ordinance by title only to be passed by council on second and final 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. (SECOND READING)**

Councilperson Saunders moved to accept and approve the election ordinance, seconded by Councilperson DeWitt.

Mayor Wood called for a voice vote. City Clerk announced the following tally. 5 yeas. Motion carried unanimously.

### **Discussion and Approval of the Northern Panhandle HOME Consortium Renewal Agreement.**

The City of Moundsville must renew their agreement with the Northern Panhandle HOME

Consortium in order to qualify for grants for federal funding through the US Department of Housing and urban Development.

Councilperson Saunders moved to renew the city's agreement with Northern Panhandle HOME Consortium, seconded by Councilperson DeWitt. Motion carried unanimously.

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

\* Councilperson Young asked if anyone is being hired for the Building Inspector vacancy? Acting City Manager Hess reported that salary information is being compiled for the option of hiring a firefighter and utilizing a trained firefighter to perform the duties of a Building Inspector. Council members did not agree with the option of utilizing a firefighter as a building inspector. The position advertised was for a full time building inspector.

Fire Chief Clarke explained that he approached the City Manager about this option, which the firefighters are already helping the present building inspector. He asked the City Manager to hire a firefighter and allow an already certified firefighter cross train with the building inspector. The newly hired firefighter/building inspector would make \$12.38 an hour because he would be performing both jobs.

After further discussion, Councilperson DeWitt made a motion to send hiring a building inspector to the Finance Committee agenda, seconded by Councilperson Saunders.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Wallace, Young, Mayor Wood, DeWitt and Saunders. 5 yeas. Motion carried unanimously.

\* Councilperson Saunders made comment to the burned house on Curtis Avenue whose owner applied for a demolition permit but has not attempted to demolish it. It was discussed if the city has to give the owner of the property another permit. Attorney White advised council that the building inspector does not have to give the owner another demolition permit. He can be cited for vacant and dilapidated structure a health and sanitation violation. Chief Kudlak stated if the permit expires on the August 12 cite the owner on August 13 and bring them to court.

\* Councilperson DeWitt asked Acting City Manager Hess if City Manager Hendershot heard from DOH concerning changing the two way stop on Fifth Street & Jefferson Avenue to a four way stop. Acting Manager Hess said that Manager Hendershot did not say anything to her about that.

\* Chief Kudlak explained to council members the new procedure for hiring a police officer. Under the new pension, the city is required for the first two years to have disability insurance program. After checking with other police departments in the state, it was discovered that no other department had started this program. City Manager Hendershot contact the West Virginia Municipal League to check the ordinance and contacted Commercial Insurance. Commercial Insurance provided a policy that would be cost efficient by insuring 18 officers instead of 1 at a

cost of \$180.00 per month. Chief Kudlak is waiting on paper work from the insurance company before hiring a police officer.

\* Councilperson Young asked why the Water Department is digging again on First Street at Jefferson Avenue? Mayor Wood noted that he was told at the Water Board meeting that a clamp has to be installed onto a pipe and they are moving the fire hydrant from First Street to Jefferson Avenue.

\* Councilperson Saunders reported a tree on city property fell onto a residents property located above the outfield of the small baseball field at East End. Mayor Wood asked that City Manager Hendershot check into whether or not that portion of the city's property can be abandoned.

### **NEW BUSINESS:**

#### **Discussion and Approval of a Resolution Calling for the Defeat of Amendment to H R 4899 Dealing with Collective Bargaining.**

Councilperson Wallace made a motion to approve the resolution dealing with collective bargaining, seconded by Councilperson Saunders.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Young, DeWitt and Saunders nay. Mayor Wood and Wallace yea. 3 nays, 2 yeas. Motion failed. Council makes no recommendation on the resolution.

#### **Discussion and Approval of a Resolution Authorizing the City Manager to Enter into a Contractual Agreement with the Governor's Community Partnership Office for the Moundville Baseball Association in the amount of \$10,000.**

Councilperson Young moved to approve the resolution authorizing the City Manager to enter into a contractual agreement, seconded by Councilperson DeWitt.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Mayor Wood, DeWitt, Saunders, Wallace and Young. 5 yeas. Motion carried unanimously.

#### **Discussion and Approval of a Request from the Strand Theatre Preservation Society for a Letter of Endorsement for Special Festival Beer License.**

Mayor Wood asked if the beer was going to be sold in one location or several locations and if the area was going to be policed. Mr. Knuth reported the beer stand will be set up in the BB&T parking lot and 3 off duty officers will be hired.

Councilperson Saunders made a motion to provide the Strand Theatre Preservation Society with a letter of endorsement for the festival, seconded by Councilperson DeWitt.

Mayor Wood called for a voice vote. City Clerk announced the following tally. DeWitt, Saunders, Wallace, Young and Mayor Wood. 5 yeas. Motion carried unanimously.

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

\* Councilperson Saunders asked for an update on the project at Roberts, 91 Highland Avenue? Street Foreman Stocklask reported that street workers layed approximately 80 feet of pipe today, all the pipe should be laid Wednesday following some landscaping.

\* Councilperson Saunders would like to see council “tighten up” on the vacant houses in Moundsville. Attorney White commented that council needs to make some decisions on the amounts they wish to charge the homeowners.

\* Councilperson Young asked if everyone received pay raises this July? Mayor Wood advised that only full time employees received raises. Councilperson Young also asked if other employees receive step raises?

**MANAGER ITEMS:**

**Update on the Fostoria Project.**

Acting City Manager Hess advised that council members received copies of an email from Todd Kelvington of Thrasher reporting that RAZE has completed enough of the work that he has started the Substantial Completion forms. Some of the residual asbestos on old Boiler House will be reached after moving some demolition debris.

**Energy Efficiency Grant.**

Acting City Manager Hess announced that Manager Hendershot applied for an Energy Efficiency Grant for the City Building in the amount of \$55,500. The city is tentatively awarded 90% of the request \$52,575. The grant funds will replace the current HVAC unit with two five ton units and double pane insulated windows.

**Employee Pension Plan.**

Acting City Manager Hess reported that Lincoln Financial (Harry Sacco) has changed their offer to assist in the cost of pension from \$1,500 to \$3,000. This is an administrative fee that Lincoln Financial will pay for the change-over. Also Mr. Karpinski recently changed companies, he is now with Huntington Retirement and is still interested in making a presentation to council.

Mayor Wood received a call from another individual interested in making a presentation on the pension plan.

Councilperson Saunders moved to invite Mr. Karpinski and Ms. Finley to the September Finance Meeting for a presentation, seconded by Councilperson DeWitt. Motion carried unanimously.

**Street Paving.**

The City Engineer is working on specifications for bids on paving the following streets: Fifth Street from Tomlinson Avenue to Grant Avenue; Center Street from Mulberry Avenue to Maple Avenue; Center Street from Maple Avenue to Elm Avenue; and Morton Avenue from Tenth Street to Eleventh Street.

Councilperson Saunders moved to consider paving Fifth Street from Grant Avenue to Cedar Avenue, seconded by Councilperson DeWitt. Motion carried unanimously.

**FEMA Acquisition & Buy Out Program.**

This program is for structures that have substantial flood damage, the property owner is eligible for a buyout program through FEMA. Marshall County Commission has filed grant application for seven city residents. If the City agrees to participate, the federal government buy-out pays for demolition, clean up then the property will be turned over to the city. Nothing can ever be built on the property.

**Chesapeake Energy.**

City Manager and Attorney White are waiting on review of the proposal from the Chesapeake Office.

**MAYOR ITEMS:**

**Hillbilly Mud Bog.**

Mayor Wood asked Attorney White for an update on the research of Hillbilly Mud Bog being part of the Marshall County Fair Board. Attorney White reported he was still researching.

**Highland Avenue (199 & 194 Highland Avenue)**

Mayor Wood asked that paving of Highland Avenue be placed on the Traffic Committee agenda.

**COMMITTEE REPORTS:**

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

Councilperson Wallace scheduled a Finance Meeting on Tuesday, August 17, 2010 at 5:00 p.m.

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

Councilperson Saunders 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:**

\* **Young** - Thanked the Street Department for removing the graffiti from a sign on First Street. Also, for patching pot holes around town.

\* Thanked all the employees for the work they do.

\* **DeWitt** - Reported to City Manager the pole number of a street light that is burnt out. Light is still out. Acting City Manager Hess reported that Marilyn contacted AEP.

\* **Saunders** - Reported high grass and junk vehicles in the yard at 81 Highland Avenue.

\* Reported the tree at 7<sup>th</sup> & Washington Avenue had fallen over during the last storm and left a large stump partially on top of a drain.

\* Reported the Skateboard Committee will be applying for grants for funding. Also reported selling bricks to raise money.

\* **Wallace** - Received complaint from 507 Eleventh Street concerning sewer back up every time it rains. Sanitary has been there several times to clean homeowners basement. Owner also reported this problem started when CVS was built. Fire Chief Clarke reported having to pump out the basement several times. Sanitary crew will be contacted to run camera, see what the problem is.

\* Councilperson Wallace will not be attending committee meetings next week.

Councilperson Saunders moved to adjourn, seconded by Councilperson Wallace. Motion carried unanimously.

Meeting adjourned at 8:35 p.m.

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Sondra J. Hewitt, City Clerk

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David Wood, Mayor