

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JUNE 15, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on June 15, 2010 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation was given by City Manager Hendershot.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, Haynes, Saunders, Simms, Wallace, Young and Wood. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Mercer, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of June 1, 2010.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of June 1, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Carl Boso, 305 10th Street commented that he is a member of the Marshall County Fair Board and reported to the City Manager that Hillbilly Off Road Racing is running a business without a city business license and not paying B&O tax. Mr. Boso provided council members with letters and information he was speaking about.

Manager Hendershot commented that he met with President of the Fair Board, Beth Bertram, who advised that Hillbilly Off Road Racing falls under the Marshall County Fair Board, they umbrella under the Fair Board's insurance. Council members said they would like to look over the information provided by Mr. Boso before they make any decisions.

Mr. Boso asked council's permission to build a car port on the city's property at the 10th Street boat docks that he leases from the city. Mr. Boso was advised to see the building inspector on that matter.

Mr. Boso also commented that City Manager allowed Brad Varlas to place more camping spaces on his property without going through the Planning Commission. And that Mr. Boso spoke with former Building Inspector Wise on the subject who was opposed at the request.

Manager Hendershot informed Mr. Boso that he was not going to discuss with him the conversation between he and the former building inspector.

OLD BUSINESS:

Discussion and Approval of a Bus Levy Ordinance for the City of Moundsville. (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 PROVIDING FOR A SPECIAL LEVY VOTE BY SEPARATE BALLOT AT THE REGULAR ELECTION OF NOVEMBER 2, 2010, TO AUTHORIZE ADDITIONAL TAX LEVIES FOR THE FISCAL YEARS BEGINNING JULY 1, 2011; JULY 1, 2012; AND JULY 1, 2013, TO PROVIDE FUNDS FOR THE CITY'S SHARE OF FUNDING FOR ANY DEFICIT OF OPERATING COSTS AND THE COSTS OF ACQUIRING CAPITAL EQUIPMENT AND FACILITIES FOR THE SAME PERIOD FOR A SYSTEM OF URBAN MASS TRANSIT TO BE PROVIDED BY THE OHIO VALLEY REGIONAL MASS TRANSPORTATION AUTHORITY. (SECOND READING)

Councilperson Simms made a motion to accept and approve the bus levy ordinance, seconded by Councilperson Haynes.

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

Other Items to be Discussed by Council.

* Councilperson Saunders asked Manager Hendershot for an update of things the Sanford Center is being used for? Manager Hendershot reported the members are working on making the building rentable in order to make money. They are working on an after school program. Congressman Mollohan has submitted a \$160,000 HUD grant on behalf of the Sanford Center. Councilperson Saunders asked about the grant obtained by the Family Resource Network. Manager Hendershot said FRN obtained a \$10,000 training grant. Manager Hendershot also reported numerous fund raisers such as a spaghetti dinner was held a couple weeks ago and dessert tasting at the Senior Center.

* Councilperson Saunders gave council an update on the Skateboard Group reporting the youth group held a bake sale and a tag day at Wal Mart where they raised over \$1,000. The Skateboard Group has submitted requests for five grants and waiting on the final draft. Councilperson Saunders commended the youth group for the work they are doing.

* Councilperson DeWitt asked Chief Clarke if he and Attorney White have met for the Ambulance Program? Fire Chief Clarke reported that he and Attorney White have been able to meet yet due to Mr. White's injury and Noel teaching classes.

* Councilperson Young asked Manager Hendershot if Parks & Recreation were going to dispose of the brush piles at Valley Fork Park? Fire Chief Clarke reported that he will be disposing of the brush on Friday or Monday.

NEW BUSINESS:

Discussion and Approval of Bids for a New Street Sweeper for the Street Department.

Bids were received for a new Three Wheel Broom Street Sweeper with Belt Conveyor Elgin Body; Pelican Model in the amount of \$168,703.13 with trade and \$173,703.13 without trade.

Councilperson Simms made a motion to purchase the Elgin Pelican Street Sweeper in the amount of \$168,703.13 to pay over a 4 year period, seconded by Councilperson Saunders.

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

Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into Annual Loan Agreement Renewals for 2010-2011.

Councilperson Simms made a motion to authorize the City Manager to enter into the annual loan agreement renewals for 2010-2011, seconded by Councilperson Saunders for discussion.

Councilperson Wallace asked Manager Hendershot to give a brief summary. City Manager explained that state regulations prohibit municipal governments from extending debt to a new council. Loans, leases, rental, etc., are renewed yearly by resolution.

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

Discussion and Approval of an Ordinance Pertaining to Stormwater Management and Surface Water Discharge Control. (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, AMENDING THE MOUNDSVILLE CITY CODE, AS THE SAME APPLIES TO STORMWATER MANAGEMENT AND SURFACE WATER DISCHARGE CONTROL AND APPLICABLE RATES AND FEES. (FIRST READING)

Councilperson Simms made a motion to accept and approve the stormwater management ordinance, seconded by Councilperson Haynes for discussion.

Councilperson Simms asked Manager Hendershot if the city has to hold a public hearing on this ordinance. Manager Hendershot noted since this was stormwater management it does not fall under the Public Service Commission regulations therefore, a public hearing does not have to be held.

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

Discussion and Approval of Recommendations to Provide \$5,000 to Marshall County Tourism for Fiscal Year 2010-2011.

Councilperson Saunders made a motion to donate \$4,000 to the Marshall County Tourism for fiscal year 2010-2011, seconded by Councilperson Simms.

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

Other Items to be Discussed by Council.

* Councilperson DeWitt asked when the city was going to advertise for vacancies in the Street Department and Police Dispatch? Manager Hendershot noted that advertizing should be in the newspaper by the end of the week.

* Councilperson Saunders asked for more information concerning the gas rights at Valley Fork Park. Manager Hendershot commented that council authorized the City Manager and Attorney White to enter into negotiation with the company interested in buying gas rights at Valley Fork.

* Councilperson Saunders asked if the lot outside the city building is public parking or city parking. Manager Hendershot reported the lot being public parking, it was never listed or restricted as city only or private parking. The decision would have to be made by council for city business parking only.

* Councilperson Simms asked if there had been any update on a hotel in Moundsville? Manager Hendershot reported that MEDC is providing fund for a study.

* Councilperson Simms asked if the Building Inspection vacancy was going to be filled? Manager Hendershot reported the vacancy will be advertized and he hopes to find a qualified person for the position.

MANAGER ITEMS:

Thrasher Engineering Report on Fostoria.

Council received a report from Thrasher Engineering explaining the progress at the Fostoria Site. This is a biweekly report provided by Thrasher Engineering.

Police and Fire Pension Contributions.

Manager Hendershot reported according to the Hallett Associates actuarial report the City's contribution show \$175,559.00 which means the city has over paid the fire pension by \$29,799.82. The state suggested approved pre payment for next year since the city over paid.

Infrastructure & Jobs Development Council Change.

Manager Hendershot reported there being concern around the state of the Water Development Authority, a loan agency that provides funding for water and sewer projects, has proposed to change their rules that will require municipalities to have more than their required 1.5% medium household income before they will give the low interest loans. One of the ideas of having this revolving loan fund is that money is loaned at a low interest rate and by the people paying the money back it perpetuates that loan fund so they would have more money to loan out. The proposal would actually make the loan application more stringent than the federal requirement. So the WV Municipal League sent out letters asking that municipalities send letters to Chris Jarrett of the WV Water Development Authority and Kenneth Lowe of the WV Infrastructure & Jobs Development Council, along with legislatures in opposition of the changes.

Councilperson Saunders made a motion to direct City Manager Hendershot to sent letter and a resolution in opposition of the changes, seconded by Councilperson Simms. Motion carried unanimously.

Other Items to be Discussed by Council.

* Manager Hendershot reported that Mr. Harry Sacco of Lincoln Financial would like to hold a presentation for council concerning the city employee pension plan. Mayor Wood recommended that Manager Hendershot provide council with a comparison in cost.

MAYOR ITEMS:

Prevention Resource Officer Grant.

Manager Hendershot and Chief Kudlak received approval of a grant award in the amount of \$28,500.00 for a Prevention Resource Officer at the Moundsville Middle School.

Other Items to be Discussed by Mayor.

* Mayor Wood asked that a representative of the particular gas company meet with council to discuss the proposal.

* Asked council members to be prepared at the next traffic committee meeting to discuss the paving list.

* Mayor Wood asked Chief Kudlak his opinion of the Knights of Pythius building if council should purchase the building for the Police Department. Chief Kudlak explained that he thinks the K of P has more usable space and office space for rent.

* Mayor Wood asked for an update on the project that allows officers to take home cruisers. Chief Kudlak reported that he is currently looking at the possibility of purchasing four used cruisers. At this time, officers who live outside the city will leave their cruisers at the city building and officers living within the city are taking their cruiser home. Cruisers are cared for better when one officer is driving it as compared to several different officers in one day.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Discussion and Approval of Request for City Contribution to Marshall County Tourism. Jason Turner with Chamber Tourism Committee addressed Committee. The committee recommended to provide \$5,000 from the 2010-2011 fiscal year budget to the Chamber of Commerce Tourism.

This items was discussed and voted upon under New Business.

2. Discussion & Approval of 2009-2010 Budget Revision #3 Coal Severance Fund and 2009-2010 Budget Revision #4 General Fund. This item was already submitted to the state.

3. Financial Statement for May 2010 were reviewed.

4. Discussion of Enrollment in Guardian Dental by Council Members. No action was taken at this time.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion of 2010-2011 Paving List and Financing. Committee wants to review current paving and updated engineering costs in order to make a final decision on summer paving. This is to be referred to July 2010 Traffic Meeting.

2. Discussion & Approval of Request for Street Light on Jackson Street & Curtis Avenue. Committee recommends refer to the July 2010 Traffic Meeting. (May need to increase lumen from 7 to 10).

3. Discussion of Request from National Guard Armory to Close Ninth Street from Garfield Avenue east. Committee recommends the City Attorney review the possibility of granting an easement to the National Guard.

4. Discussion of Removal of “One Hour Parking” Sign at 704 Third Street. Committee recommends installing new sign at the location.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of MS-4 Storm Water Permit Project Proposed Ordinance. Committee recommends placing ordinance on the agenda for first reading.

2. Discussion of Proposed Ordinance Regarding Rental Housing Authorization. Committee recommends refer back to July Policy meeting with suggested changes to draft.

3. Discussion & Review of City Code Pertaining to Nuisance Abatement Ordinance; Section 1105. Committee recommends refer back to July Policy meeting. City Attorney to separate nuisance ordinance and structural ordinance to present to council.

4. Discussion of Implementing Policy Dealing with Health Insurance Buyout Option. Committee recommends City Attorney to draft policy to present to council.

5. Discussion of Amendment in City Code; Article 103.01 and 103.14 (Elections). Committee recommends to direct the City Attorney to make appropriate changes.

6. Discussion and Review of Annual Loan Resolution for Lease Purchasing of Equipment of 2010-2011. Committee recommends refer to council for approval.

COUNCIL ITEMS:

* **Saunders** - Wished to thank the Street Department for the work they have done.

* Asked if the house on Curtis Avenue was any closer to being torn down. Fire Chief Clarke noted the owner of the house has until the permit expires.

* Requested more police patrol at Valley Fork Park, vehicles parking on the burial ground.

* **DeWitt** - Asked why the city does not request inmate help for summer projects. Manager Hendershot reported the city is charged a minimal rate for inmates, but municipalities have to pay the full salary for a guard for the inmates. Mrs. DeWitt reported a lot of debris in the river by the boat landing.

* Reported pot holes between 1615 & 1619 Ruby Street.

* Asked for an update on Project Lifesaver. Fire Chief Clarke reported donations are coming in and fundraisers are being held. A federal grant was submitted for a years supply of batteries for transmitters for two Alzheimer patients.

* **Young** - Reported pot holes on Ash Avenue between Second Street & Third Street.

* Asked if the Manager has heard of any businesses coming to town? Manager Hendershot reported the former Varsity Pizzeria was purchased and the owners have been remodeling.

* **Haynes** - Requested more patrol on Elm Avenue between Walnut Avenue & First Street.

* **Wallace** - Wished to thank everyone involved on getting the grass & weeds cut on the walking trail.

* Reported high grass and garbage at 1037 Jefferson Avenue. Also, vehicles from the residents with Ohio plates.

* Reported weeds need cut on 14th Street behind 84 Lumber and on 7th Street at the end of 9th Street.

* Street Commissioner Richmond reported approximately 18 pieces of property about 7 acres the Street Department is cutting. He asked that council be patient and understand with call off's and vacations, they are trying to keep up with demands. Mayor Wood suggested purchasing more equipment for the Street Department to help with time and man power.

* Received complaints of garbage at the 15th Street property.

* **Simms** - Reported the light out at the City lot on Morton Avenue behind Allen's Bootery. Also, a tree hanging over the street near the Jefferson Avenue entrance of the same city lot.

Councilperson Simms commented that there is no reason why the Street Department can not get help in cutting the grass all over the city and no reason why they don't have the equipment needed to do so.

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

Meeting adjourned at 8:13 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor