

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **JANUARY 19, 2010**

3
4 The Council of the City of Moundsville met in regular session in the Council Chambers
5 on January 19, 2010 at 7:07 p.m.

6
7 Meeting was called to order by Mayor David Wood, who explained that the delay in the
8 start time of the Council meeting was due to a Manager's Workshop regarding Municipal
9 Stormwater Regulations.

10
11 Invocation was given by Councilperson K Mark Simms.

12
13 Acting City Clerk Ankrom called the roll and the following councilpersons were in
14 attendance: DeWitt, Haynes, Saunders, Simms, Wallace, Young and Mayor Wood. Also
15 present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Public Works
16 Director Richmond, Building Inspector Wise, CPA Kathryn Goddard, Attorney Thomas
17 White and Acting Clerk Ankrom. Absent was City Clerk Hewitt.

18
19 **MINUTES:**

20 **Regular Council Meeting of January 5, 2010**

21 Councilperson Saunders made a motion to accept the minutes of the regular Council
22 meeting of January 5, 2010, which was seconded by Councilperson Haynes. Motion
23 carried unanimously.

24
25 **GENERAL PUBLIC HEARING:**

26 Betty Burkett of 1500 6th Street presented copies of a proposal relating to the prospective
27 hiring of a City dog warden. Mrs. Burkett suggested forming a committee consisting of
28 people experienced in animal control, such as a veterinarian; representatives from the
29 Humane Society, Animal Task Force, City Council, the City Police Department; and a
30 regular citizen concerned about the care of animals. Mrs. Burkett is very supportive of
31 the hiring of this position; and she stated that the Animal Task Force is eager to help in
32 any way they can.

33
34 No one else wished to address Council.

35
36 **OLD BUSINESS:**

37 **Discussion and Approval of an Ordinance Pertaining to Contractors and Sub**
38 **Contractors to Have a Drug Free Work Place Policy (Second Reading)**

39
40 Attorney White read the ordinance by title only:

41 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE TO**
42 **ENACT SECTION 735 OF THE MOUNDSVILLE CITY CODE REQUIRING**

1 **CONTRACTORS AND SUB CONTRACTORS PERFORMING WORK FOR THE**
2 **CITY TO HAVE A DRUG-FREE WORKPLACE POLICY THAT REQUIRES**
3 **DRUG AND ALCOHOL TESTING (SECOND READING)**

4
5 Councilperson Wallace made the motion to approve the ordinance on second reading,
6 which was seconded by Councilperson Haynes. Mayor Wood called for a roll call vote,
7 and Acting Clerk Ankrom announced the following tally: 7 yeas. Motion carried
8 unanimously.

9
10 **Discussion and Approval of an Ordinance for a Sanitary Rate Increase (Second**
11 **Reading)**

12 Manager Hendershot explained that, due to a longer time period required for this type of
13 ordinance, the second reading cannot be held until the February 2 Council meeting.

14
15 **Other Items to be Discussed by Council**

16 Councilperson DeWitt questioned the existence of supplies that could be used by a City
17 Dog Warden. Manager Hendershot confirmed there is a snare and few live traps, but that
18 is all.

19
20 **NEW BUSINESS:**

21 **Discussion and Approval of Bids for Used Police Cruisers**

22 Manager Hendershot explained that one bid, meeting the required specifications, was
23 received. Two vehicles priced at \$11,078.00 each were inspected by Chief Kudlak and
24 found suitable. A lease-purchase agreement is available, and the funds are budgeted.
25 Councilperson Simms made a motion to purchase the two vehicles, and it was seconded
26 by Councilperson Haynes. Mayor Wood called for a roll call vote, and Acting Clerk
27 Ankrom announced the following tally: 7 yeas. Motion carried unanimously.

28
29 **Discussion and Approval of Authorizing the City Manager to Enter into a**
30 **Contractual Agreement with Thrasher Engineering to Provide Assessment and**
31 **Remediation Plan for the Fostoria Brownfield Grant**

32 Manager Hendershot explained that Council had already authorized him to enter into
33 contractual discussions with Potesta Engineering; however, Potesta withdrew their offer
34 when an agreement could not be reached. Thrasher Engineering's bid was slightly more
35 expensive than Potesta's original bid; however, Potesta wanted to add additional costs into
36 the contract for an extra layer of inspection. Tom Brown of RAZE International explained
37 the difficulties of negotiating solid cost figures with Potesta. Discussion was held on
38 ground contamination, which will be addressed in the remediation plan; and costs of the
39 bids received and how these will be attributed to the Brownfield Grant. Neither Tom
40 Brown nor Harold Games have worked with Thrasher Engineering before; however, Mr.
41 Brown did review past work done by the company and feels they are reputable.
42 Councilperson Simms concurred with this opinion; and Mr. Games stated that Patrick

1 Kirby is familiar with Thrasher. A meeting will be held on Friday, as Thrasher
2 Engineering wants to quickly move forward on the project.

3
4 Councilperson Saunders made a motion to authorize the City Manager to enter into
5 contractual agreement with Thrasher Engineering, and Councilperson Haynes seconded.
6 Mayor Wood called for a roll call vote, and Acting Clerk Ankrom announced the
7 following tally: 7 yeas. Motion carried unanimously.

8
9 **Discussion and Approval of a Resolution of the Council of the City of Moundsville,**
10 **WV Authorizing the Execution of a Certain Application for a Grant Through the**
11 **Land & Water Conservation Fund for a Recreation Vehicle Park Between**
12 **Fourteenth & Fifteenth Street**

13 Manager Hendershot confirmed that Council has discussed this on numerous occasions
14 but was waiting for funds to become available through the Land & Water Conservation
15 Office. Scott Hicks of BelOMar is handling the grant application; and the required
16 archaeological study has been submitted for approval from the State Historic Preservation
17 Office. Manager Hendershot noted that the Landfill Timbering funds were set aside by
18 Council specifically as matching funds for the project. Materials will cost about
19 \$60,000.00 with labor being performed by various City departments.

20
21 Councilperson Simms made a motion to approve the resolution, which was seconded by
22 Councilperson Wallace. Mayor Wood called for a roll call vote, and Acting Clerk Ankrom
23 announced the following tally: 5 yeas, 2 nays, with Councilpersons Saunders and DeWitt
24 voting nay. Motion carried.

25

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

27 Councilperson Simms questioned supervision at Sanford Elementary, as he was
28 approached by an employee of the Moundsville Water Board who stated that the water
29 consumption was unusually high. Manager Hendershot was not aware of this particular
30 problem but did note that the electric bill was extremely high as well. Manager
31 Hendershot will check into the situation.

32

33 **MANAGER ITEMS:**

- 34 • Manager Hendershot stated that Hilda Blake and Deanna McDowell will remain on
35 the Historic Landmarks Commission. Both ladies are eager to be more active with the
36 Commission, as well as helping with the Sanford Center.
- 37
- 38 • Manager Hendershot commented on a “Thank You” letter from Beth Welling Matheny,
39 who is very appreciative to the Street and Sanitation Departments for their assistance
40 during her health crisis.
- 41
- 42 • Manager Hendershot referenced his letter, that was copied for Council, to the Family

1 Resource Network, thanking them for their work to organize the Winter Carnival.

2
3 • Manager Hendershot noted that Council should have received a dog calls listing, which
4 they can review for the next Committee meeting.

5
6 • Manager Hendershot expressed thoughts for those affected by the earthquake in Haiti.

7
8 • Attorney White presented a legal notice for the handicap parking permits ordinance.
9 Councilperson Simms made the motion to receive and file the notice. Motion was
10 seconded by Councilperson Wallace and carried unanimously.

11
12 **MAYOR ITEMS:**

13 • Mayor Wood commented on the Municipal League workshops held recently. The
14 Mayor noted that some of the topics covered were municipal revenues, long term debt
15 obligations, workers' compensation issues, Cap and Trade, health care, and vacant and
16 dilapidated building problems.

17
18 • Mayor Wood questioned the loss of another Patrolman to the Marshall County Sheriff's
19 Department. Chief Kudlak noted that current officer staff is 17, with three training at
20 the Police Academy; and the vacated position will be filled.

21
22 • Mayor Wood noted that department heads are working on their respective budgets, and
23 workshops will be held soon. Manager Hendershot commented that he is still waiting
24 for the report from Hallett & Associates on the Fire and Police Pension Funds.

25
26 • Mayor Wood questioned the status of testing on 2nd Street. Director Richmond noted
27 that areas have been marked.

28
29 • Mayor Wood referenced the surplus sale that will be held at Sanford Elementary on
30 Saturday and encouraged the Board to do more advertising about Center activities.

31
32 • Mayor Wood initiated discussion on further abatement and demolition at the Fostoria
33 site. Manager Hendershot noted that major results should be seen on the property very
34 soon.

35
36 **COMMITTEE REPORTS:**

37
38 **Discussion and Approval of Recommendations by the Finance Committee.**

39 Vice Mayor Wallace commented on the December 31, 2009 financial statements that were
40 presented to the Finance Committee. Revenues were at 51% and expenditures at 50.5%,
41 so the City Finances appear to be “right on schedule.”

1 **1. Discussion of Invoice from RAZE International at Fostoria Site. Committee**
2 **recommends to pay \$1,000.00 for the Equipment Rental Costs to Assist with**
3 **Demolition Due to Fire**

4 Vice Mayor Wallace asked Manager Hendershot to elaborate on this situation, which
5 involved the bringing in of special equipment to knock down a wall on the front side of
6 the Administration Building at the Fostoria site. This action was tremendously helpful in
7 extinguishing the fire. Councilperson Saunders made the motion to pay RAZE
8 International the full amount of the invoice, which was seconded by Vice Mayor Wallace.
9 Manager Hendershot commented that the City's insurance company will not reimburse
10 this expense, as the building was going to be razed anyway. Discussion was prompted on
11 whether demolishing the building would have been Mr. Brown's financial responsibility,
12 regardless of whether the fire had occurred; however, the fire prompted an emergency
13 situation that had to be addressed. It was noted that the City Fire Chief has the authority
14 to direct the demolition of any building proved unsafe due to fire damage. Mayor Wood
15 called for a roll call vote, and Acting Clerk Ankrom announced the following tally: 7
16 yeas. Motion carried unanimously.

17
18 **Discussion and Approval of Recommendations by the Traffic Committee.**

19
20 **Request to Install Four Way Stop Sign at Ninth Street & Ash Avenue. Committee**
21 **Recommends No Action be Taken**

22 Councilperson Simms noted that no action was taken on the request for a four-way stop
23 sign at 9th Street and Ash Avenue.

24
25 **Discussion of Paving Priority List for 2010. Committee will Review and Submit New**
26 **List at Next Traffic Committee Meeting**

27 Councilperson Simms commented that there will be less money accumulated due to extra
28 work that was done in 2009. Councilperson Saunders prompted debate on whether the
29 current paving list should be completed before more streets are added. Discussion was
30 held on the many factors to be considered, such as which streets have heavier traffic;
31 streets that have already been engineered and costs associated with engineering for
32 additional paving; and weighing the importance of paving one lengthy street versus
33 numerous smaller ones, based on the costs associated and amount of money available.
34 Mayor Wood noted that 14 streets are on the current paving list, five of which have already
35 been engineered. Further debate will be held at the February Traffic Committee Meeting.

36
37 **Discussion and Approval of Recommendations by the Policy Committee.**

38
39 **Section 155.07(7) Vacations. Committee Recommends Adjustment be Made**
40 **Granting Third Week of Vacation After the 5th Year of Employment Instead of 10th**
41 **Year**

42 Mayor Wood reviewed that this change would modify the employee policy as follows:

1 after one year of employment, employees receive two weeks' vacation; after fifth year,
2 they would receive three weeks; after 15 years, four weeks; after 20 years, five weeks;
3 and after 25 years, six weeks' vacation would be granted. Councilperson Saunders made
4 the motion to instruct the City Attorney to draft an ordinance adjusting the employee
5 vacation policy accordingly. Motion was seconded by Councilperson DeWitt. Mayor
6 Wood called for a roll call vote, and Acting Clerk Ankrom announced the following tally:
7 7 yeas. Motion carried unanimously.

8

9 **Section 155.07(g)(2) Sick Leave Accrual. Committee Recommends No Change in**
10 **Sick Leave**

11 Mayor Wood noted that the Policy Committee recommends no change in the Employee
12 Sick Leave Accrual policy.

13

14 **Section 155.07(j) Family Medical Leave Act. Committee Recommends Review and**
15 **Bring Back to Council Once Completed**

16 The Policy Committee will review the Employee Policy, as it relates to the Federal Family
17 Medical Leave Act, and bring changes back to Council.

18

19 **Funeral Leave. Committee Recommends to Extend to Part Time Employees. City**
20 **Attorney to Draft This Policy Change**

21 Mayor Wood stated that the Policy Committee recommends the City Attorney to draft an
22 ordinance allowing part time employees to utilize funeral leave. Debate was held on the
23 expense of affording this benefit to part time employees, as well as the precedent that it
24 sets. Mayor Wood and Councilperson Saunders both talked to several municipalities
25 which do not extend benefits to part time employees. Manager Hendershot stated that all
26 new hire letters of employment explain what benefits do or do not apply. Councilperson
27 DeWitt made the motion to direct the City Attorney to draft an ordinance allowing part
28 time employees access to funeral leave. Motion died for the lack of a second.

29

30 **Discussion of New Procedures for Obtaining Reports and New Fee Schedule.**
31 **Committee Recommends This be Tabled Until February Policy Meeting**

32 Chief Kudlak explained the problem his department is having with the public requesting
33 copies of reports and/or records that they want right away. He is requesting Council set
34 up a fee schedule and procedure that his dispatchers can follow in providing this
35 information. Right now, the City charges copying fees that are minimal compared to the
36 time and paperwork involved. Mayor Wood believes there is State legislation in place
37 that addresses this issue. Manager Hendershot will have this item placed on the February
38 Policy Committee Meeting Agenda.

39

40 **Discussion and Review of Article 1381.10 Planning & Zoning Regulations Amending**
41 **to Include "R-G" District. Committee Recommends the City Attorney to draft the**
42 **Amendment**

1 Councilperson Simms made the motion to instruct the City Attorney to draft an ordinance
2 inserting the R-G District into the Planning & Zoning Regulations. Motion was seconded
3 by Councilperson Young. Mayor Wood called for a roll call vote, and Acting Clerk
4 Ankrom announced the following tally: 7 yeas. Motion carried unanimously.

5
6 **Discussion of Creating the Position of Dog Warden. Committee Recommends Cost**
7 **Figures be Researched for the Part Time Position of Dog Warden Including Salary,**
8 **Training, Transportation, Etc and Brought Back to Committee**

9 This item will be further discussed at the February Policy Committee Meeting.

10
11 **Article 11. West Virginia Contractor Licensing Act**

12 Building Inspector Wise distributed copies of Article 11 of the West Virginia Contractor
13 Licensing Act, Section 21-11-3. Manager Hendershot has received complaints about
14 improper permits being given by the City Building Inspectors. The pertinent section
15 allows home owners to do electrical work on their own home without electrical
16 certification.

17
18 **COUNCIL ITEMS:**

19 ***Young** – Received a request for stop sign to be placed at the exit from Gumby's parking
20 lot, by 84 Lumber Company. Manager Hendershot explained that this is a private lot
21 entering into a public street, therefore the stop cannot be enforced by officers. Attorney
22 White will review this regulation.

23 * Prompted discussion on Comcast cable services and fees. The public can exercise their
24 right to choose another provider; but the City has no control over the cable company's
25 services.

26 * Inquired about the dip in the street at 7th and Cedar Avenue. It is believed that the gas
27 company was doing work there. Manager Hendershot reminded that companies doing
28 work in City streets are also responsible for repairing the roadways afterward.

29
30 * **Wallace** – Requested stop signs be placed at 7th Street and Baker Avenue on south side;
31 and 10th Street and Parriott Avenue on east side.

32 * Asked about openings on City committees. Manager Hendershot mentioned that the
33 Municipal Building Commission is still short two members.

34
35 ***Simms** – Nothing at this time.

36
37 * **Haynes** – Questioned whether yellow lines on intersections can be extended,
38 particularly at 1st Street and Jefferson Avenue. Manager Hendershot will take a look at
39 this intersection and see what can be done; but he noted that the State is responsible for
40 the stop bars at intersections.

41
42 * **Saunders** – Asked about status of purchasing a new street sweeper. Manager

1 Hendershot noted that currently more is owed on the air sweeper than the trade-in value.
2 The approximate cost for a new sweeper is \$170,000.00; further discussion will be held
3 during the budget process.

4 * Revisited the problem of a tree at the corner of 7th Street and Grant Avenue that is
5 affecting the sewer line in that area.

6 * Asked Director Richmond to look at the curb at 7th Street and Grant Avenue.

7

8 * **DeWitt** – Asked Manager Hendershot to pursue getting turn arrows at 7th Street and
9 Lafayette Avenue. Manager Hendershot will follow up with Bob Whipp.

10

11 Councilperson Saunders made the motion to adjourn, seconded by Councilperson Simms.
12 Meeting adjourned at 8:10 PM.

13

14

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18 _____
Karen L Ankrom, Acting City Clerk

David Wood, Mayor