

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
OCTOBER 5, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on October 5, 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 Mayor Wood. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clark, Street Commissioner Richmond, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: Building Inspector Brandon Mercer.

MINUTES:

Regular Council Meeting of September 21, 2010.

Councilperson Haynes moved to accept and approve the minutes of the regular council meeting of September 21, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

Introduction:

Police Chief Kudlak introduced to council newly hired Police Officer Bill Whitelatch.

Presentation:

Mayor Wood introduced Donna Gialluco of Change Inc., who enlightened council on the programs provided by Change Inc. Some programs included transportation, domestic violence shelter and awareness, low income energy assistance, patient assistance and family medical care.

Introduction:

Mayor Wood introduced Mr. Dalzell and Boy Scout Troop #79 who were present to earn their merit badge.

Presentation:

Mayor Wood introduced Earl Shaw, City of Moundsville Safety Manager, updated council on the employee safety training programs.

GENERAL PUBLIC HEARING:

* Mr. Kachalo, 31 Fostoria Avenue, asked why his neighbors son was harassing him. He also addressed Mrs. Oakland in the audience when Mayor Wood asked him to address council, not the audience.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson Saunders presented proof of abandonment for the property located near the East End Ballfields and behind Curtis Avenue. The ordinance first reading was July 23, 1991 and signed by former City Clerk Loretta Francis. Mr. Saunders asked if the Manager would verify this ordinance as being recorded.

* Councilperson Haynes asked if the process has been started on the vacant house at 49 Linden Avenue? Fire Chief Clarke reported that address not being on his list but will be added.

* Councilperson DeWitt asked if the city was going to be able to start paving this fall or have to wait until spring? Manager Hendershot reported paving will hopefully be started toward the end of next week.

* Councilperson Young received more complaints on the property and tree at 317 Poplar Avenue. Chief Kudlak reported the tree has been trimmed but unaware of the property.

NEW BUSINESS:

Discussion and Acceptance of Supplemental Agreement #1 for Twelfth Street Sidewalk.

Manager Hendershot reported having a \$80,000 grant for the Twelfth Street sidewalk project. There was an oversight in the invoice process which caused the city to over expend on the project. Manager Hendershot explained the situation to Jeff Harpold, Department of Highways Grant Program, who advised they had some grant money that was not expended and they could put \$28,481.00 toward the project leaving the city \$7,000 balance to pay.

Councilperson Haynes made a motion to approve the supplemental agreement for the Twelfth Street project, seconded by Councilperson Young.

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

Other Items to be Discussed by Council.

* Councilperson Saunders asked for an update on Fostoria and asked if the city has to apply for another grant to finish the project? Manager Hendershot reported there could have been more

Brownfields money available, but because the clean up is basically complete there is no need for another Brownfields grant. RAZE has knocked down the last building. There is a small amount left on the grant because Belomar did not spend all that was projected in the grant. Belomar has not yet closed the grant. RAZE has received their full amount of \$141,000. Because it took the demolition a little longer to complete, Thrasher Engineering went over their contract by \$6,000. Thrasher has sent a letter of request for the city to assist with the additional cost of \$6,000. Manager Hendershot will bring this request before the Finance Committee.

* Councilperson DeWitt requested that residents on Jefferson Avenue between 10th & 11th Street have resident parking only during the month of October. Mayor Wood referred this request to the Traffic Committee.

MANAGER ITEMS:

Appointment to the Zoning Appeals Board, Planning Commission and Firefighters Civil Service Commission.

Manager Hendershot reported that Zoning Appeals Board is council's appointment and a three year term; Planning Commission is manager's appointment and a three year term; and Firefighters Civil Service Commission is mayor's appointment and a three year term. Manager Hendershot asked council to pursue volunteers for these positions.

Gas Lease Agreement.

Manager Hendershot reported being contacted by AB Resources who submitted a contract which Attorney White is reviewing. Manager Hendershot will bring back to the committee meeting the contracts and the difference between the two proposals (Chesapeake & AB Resources). This proposals will be discussed at the Finance Committee.

Employee Pension Plan.

Manager Hendershot reported that CPA Kathryn Goddard has numbers on the employee pension and the cost. These plans will be discussed at the Finance Committee.

Thrasher Engineering Bill.

As discussed earlier, Manager Hendershot noted that since the work extended beyond the thirty days of the original contract for the abatement of Fostoria, their cost expanded because they provided the inspection. Manager Hendershot asked for this request to be discussed at the Finance Committee.

Offer of Employment.

Manager Hendershot made an offer of employment for the Building Inspector position. All

entry level examinations were passed starting date will be November 1, 2010.

Other Items to be Discussed.

* Manager Hendershot has received several complaints toward a contractor providing roof repairs. He reported sending a letter to the Attorney General asking if they have received complaints. The city can not get involved in the disputes, but they do have the authority to suspended licenses for inadequate work.

* Manager Hendershot attended a Moundsville Housing Authority Meeting and reported the board having extremely high performance record.

* Manager Hendershot noted that the city's audit was published in the Echo. The State of WV started requiring publications again.

* Attorney White submitted several legal advertisements published in the Moundsville Daily Echo to be received and filed by council:

1. Zoning Variance for 320 Ninth Street
2. Zone Change Ordinance 1206 Purdy Avenue
3. Zoning Variance for 320 Ninth Street
4. Paving Bids
5. Zoning Variance for 909 Fifth Street
6. Legal Ad for 1206 Purdy Avenue
7. Ordinance Pertaining to City Health Insurance
8. Ordinance Pertaining to Junked Motor Vehicles
9. Ordinance Pertaining to Abatement & Demolition
10. Ordinance Pertaining to Public Nuisances
11. Ordinance Pertaining to Registration of Vacant Buildings

Councilperson Simms made a motion to receive and file the publications, seconded by Councilperson Wallace. Motion carried unanimously.

MAYOR ITEMS:

Domestic Violence Awareness Walk.

Mayor Wood announced that a Domestic Violence Awareness Walk will be held on October 12, 2010 at 6:30 p.m. to 8:30 p.m., at the John Marshall Football Stadium. The Northern

Correctional Facility's Victim Service's Committee along with the YWCA's Family Violence Prevention Program invites anyone to join in the awareness walk for domestic violence.

Other Items to be Discussed by Council.

* Mayor Wood reported a house at Fourth Street & Parriott Avenue needs repaired and painted. Chief Clarke is aware of the property.

* Mayor Wood commented on the 7th Street house deemed unlivable and thanked officials for their efforts in removing the residents.

* Mayor Wood asked for an update on the truck routes. Manager Hendershot reported that Attorney White is researching ordinances and scales have been ordered. This discussion will be held at the Policy Committee.

* Mayor Wood announced the 2010 Moundsville Christmas parade will be held on November 20, 2010 at 2:00 p.m. Any council member who would like to be in the parade, please contact Mayor Wood.

* Mayor Wood asked for an update on the memorial for Julian Berisford. Manager Hendershot announced they hope to hold the memorial on November 6, 2010 waiting on confirmation from the family.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Wallace scheduled a finance meeting on Tuesday, October 12, 2010 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 Policy Committee.

Mayor Wood scheduled a policy meeting following the traffic meeting.

COUNCIL ITEMS:

* **DeWitt** - Reported grass still high at 1003 McConnell Drive, asked if the owner has been contacted. Manager Hendershot reported a work order was turned in.

* Asked if Manager Hendershot checked into having the water trucks draw water from the river and using Rt. 2 as a truck route. Manager Hendershot reported that issue is going to be discussed at the Policy Committee meeting.

* **Young** - Reported trees hanging in street on Grant Avenue between 7th Street & 8th Street. Street Commissioner reported have a list of trees needing trimmed because the street sweeper &

school buses are hitting them.

* Asked if council received paving bids for the remainder of Fifth Street. Manager Hendershot stated that section of Fifth Street from Grant Avenue to Cedar Avenue was not put out for bid.

Saunders - Reported house on 905 Fifth Street is vacant, animals running in & out of house, daughter lives in Wellsburg.

* Asked why there are cones near his house. Street Commissioner Richmond reported water was running down street causing the street to crumble.

* **Wallace** - Thanked the Chamber of Commerce, council members and City Manager for the invitation to the Annual Chamber Dinner.

* **Haynes** - Reported trees on Locust Avenue & Highland Avenue need trimmed. Manager Hendershot reported the electric company trimmed the trees away from the wires, but ordinance does not allow the city to cut trees because a residents view is being obstructed.

* Asked if the problem was resolved with the fence in the Campgrounds? Manager Hendershot reported the building inspector sent a letter informing the owner they would have to remove fence or shorten the fence from 6 ft to a 4 ft.

* **Simms** - Nothing at this time.

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

Meeting adjourned at 8:15 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor