

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JULY 21, 2009**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on July 21, 2009 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation 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, Asst. Fire Chief Walker, Street Commissioner Richmond, CPA Kathryn Goddard, City Attorney Thomas White and City Clerk Hewitt. Absent: Fire Chief Clarke, Building Inspector Wise (vac).

MINUTES:

Regular Council Meeting of July 7, 2009.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of July 7, 2009, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Nicole Viars of the Northern Panhandle Resource Conservation & Development spoke to council about benefits provided by the council such as community and economic development, land conservation, land management and water management. Also, Project Sharing is a new program provided by RC&D which provides truck loads of items (non perishable food, office supplies, toys, clothing, etc) free of charge for non profit organizations, churches, youth groups or anyone working with the needy or elderly.

Manager Hendershot asked to meet with Ms. Viars at her earliest convenience to discuss things in more detail.

* Bob Hunnell with Auto Choice, Ron Musser Attorney for Mr. Hunnell and Roger Kent CPA for Mr. Hunnell spoke to council concerning B&O Tax overpayment.

Mr. Hunnell paid his Business and Occupation Taxes to the City of Moundsville for his businesses, Auto Choice, over paying for trade-in vehicles. The city gave him a credit for the last three years, as described in the city code, in the amount of \$20,459.93, but Mr. Hunnell feels he should be credited for the full amount of \$48,927.37. Mr. Hunnell's CPA Roger Kent commented that in 1997 he spoke with a city employee who informed him that trade-ins were included in the gross sale. Mr. Hunnell and Mr. Kent feel the city is at fault for the

misinformation.

Councilperson Wallace made a motion to table this issue so council can have some time to absorb the information provided to them, seconded by Councilperson Haynes.

Mayor Wood called for a voice vote. City Clerk announced the following tally. DeWitt, Haynes, Wallace, Young voting yea. Wood, Simms, Saunders voting nay. 4 yeas, 3 nays. Motion carried to table this issue.

* Carmina Oakland, 29 Fostoria Avenue, spoke to council again on the culvert located near her property that causing flooding during a hard rain. She was concerned the city would not keep the culvert cleaned out since it is not their property.

Manager Hendershot informed Mrs. Oakland that the culvert is not the property of the city but they did remove debris this time and would in other cases so residents would not suffer.

* David White, 406 Clinton Avenue asked when the sidewalk on 12th Street was going to be done. Reported the Car Wash on 11th Street is deteriorating.

* Harold Games, President of GAB Enterprises, developer of the Fostoria Glass property, reported to council that work will proceed in a couple of weeks, the equipment was taken to another site where demolition had penalties if the deadline was not met. There is still some separation that needs done in the contaminated area which is a long process because the material is separated by hand. After that area is completed, the rest of the buildings can be razed.

Manager Hendershot reported that the grant for \$200,000 is stimulus money so the city does not have to provide a match.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Compensatory Time Off. (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, TO AMEND THE EMPLOYEE POLICY REGULATIONS OF THE CITY OF MOUNDSVILLE BY IMPLEMENTING AND PROVIDING FOR COMPENSATORY TIME OFF IN LIEU OF OVERTIME PAY FOR CITY EMPLOYEES. (SECOND READING)

Councilperson Simms made a motion to accept and approve the overtime ordinance for employees, seconded by Councilperson Saunders.

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

Discussion and Approval of an Ordinance Pertaining to Eligibility for Health Insurance Benefits for City Employees. (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, TO AMEND SECTION 155.06(b) AND (d) OF THE EMPLOYEE POLICY REGULATIONS PROVIDING FOR INSURANCE BENEFITS AFTER NINETY DAYS OF EMPLOYMENT WITH THE CITY. (SECOND READING)

Councilperson Saunders made a motion to accept and approve the employee policy ordinance, seconded by Councilperson Young.

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

Discussion and Approval of an Ordinance Pertaining to a Zone Change at First Street & Grant Avenue. (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, 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. (SECOND READING)

Councilperson Saunders made a motion to accept and approve the zone change ordinance seconded by Councilperson DeWitt.

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

Discussion and Approval of a Request from the Marshall County Fair Board for Vendors Exemption.

Councilperson Simms made a motion to approve the request from the Marshall County Fair Board to exempt vendors from obtaining a city business license, 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. 7 yeas. Motion carried unanimously.

NEW BUSINESS:

Discussion and Approval of a Resolution to Authorize the City Manager to Enter into a Contractual Agreement with the Division of Criminal Justice Services to Receive and Administer Grant Fund for the Recovery Act: Justice Assistance Grant Program. (Prevention Resource Officer)

Councilperson Simms made a motion to accept and approve the resolution for Justice Assistance Grant Program (PRO), seconded by Councilperson Haynes.

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

Other Items to be Discussed by Council.

* Councilperson Saunders reported that he presented the letter from City Manager Hendershot to the Parks & Recreation Board concerning over spending in the budget. Also, the board would like to meet with Manager Hendershot and Kathryn Goddard to explain the budget.

MANAGER ITEMS:

Appointment to the Moundsville Housing Authority. (Manager's Appointment)

Manager Hendershot received a letter of intent from Dorothy Petros, who has served on the Housing Authority previously. Manager Hendershot will appointment Mrs. Petros to the vacancy for a 5 year term.

Ohio Valley Regional Transportation Authorities.

Manager Hendershot informed council that he sent a letter to the Ohio Valley Regional Transportation Service concerning the petition received at a previously council meeting by residents of the Golden Towers & Helfer Pavilion requesting the bus to stop at their location.
MS-4 Annual Report.

Manager Hendershot announced that the Street Department in cooperation with the Sanitary Board filed the MS-4 report. Manager Hendershot suggested that council discuss the possibility

of creating a Storm Water Management Board.

Other Items to be Discussed by Council.

* Manager Hendershot advised council that he spoke with Mr. Barr of the St. Clairsville Recreation Center who was unable to attend this council meeting but will try to attend the August 3rd meeting.

* Manager Hendershot reported the Sanford Review Committee will be meeting Thursday, July 23, 2009 at 12:00 p.m., in the Council Chambers.

MAYOR ITEMS:

* Mayor Wood asked Police Chief Kudlak if the new Police Officer, Dylan Schrack, could be introduced to council at the next meeting.

* Mayor Wood asked if Mr. Renzella will be attending the Sanford Review Committee meeting. Manager Hendershot reported that he will be attending.

* Mayor Wood reminded council the West Virginia Municipal League Conference will be August 4 through 7, 2009.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Project Life Saver - Committee recommends to direct the City Attorney to draft a resolution authorizing the City Manager to enter into a contractual agreement with Project Life Saver.

Councilperson Wallace made a motion to direct the City Attorney to draft a resolution authorizing the City Manager to enter into a contractual agreement with Project Life Saver, seconded by Councilperson Saunders.

Chief Kudlak explained that Project Life Saver is an International Program for people with autism, the elderly or people who wander away. The wrist band is provided at no cost to the individuals. Funds are provided by grants & agency commitments.

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

2. Payment Arrangement for the Purchase of Refuse Truck - Committee recommends a three year purchase agreement.

Councilperson Wallace made a motion to recommend a three year purchase agreement for the new refuse truck, seconded by Councilperson Saunders.

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

3. Purchase of 1405 Thompson Avenue - Committee recommends an offer be made in the amount of \$3,000.

Councilperson Wallace to offer \$3,000 on the property at 1405 Thompson Avenue, seconded by Councilperson Haynes.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Mayor Wood, Haynes, Simms, Wallace and Young. 5 yeas. DeWitt and Saunders. 2 nays. Motion carried.

4. Discussion and Approval of a Budget Revision for the 2009-2010 General Fund Budget and Coal Severance.

Councilperson Wallace made a motion to approve the budget revision for 2009-2010 General Fund and Coal Severance, seconded by Councilperson Simms.

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

Discussion and Approval of Recommendations by the Traffic Committee.

1. Traffic Signal at Fifth Street & Jefferson Avenue - committee recommends installing a two-way stop sign.

After some discussion, Councilperson Saunders made a motion to install two-way stop signs at Fifth Street & Jefferson Avenue, seconded by Councilperson Haynes.

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

COUNCIL ITEMS:

* **Young** - Wished to thank the Department Heads for their hard work on the budget and the city employees for their hard work.

* **Wallace** - Reported street lights out by Progressive Bank and Advanced Auto Parts.

* Asked if weeds were cut at 84 Lumbers. Manager Hendershot reported the area was reviewed today and it has not been determined as to whose property the weeds are on. The Street Department took care of the problem.

* Reported weeds need cut on Western Avenue between 7th Street & the railroad tracks.

* **Simms** - Reported the trailer at 1607 Ruby Street needs something done with it. At the last meeting he reported is was 1603 Ruby. Mayor Wood asked if Chief Clarke or the Building Inspector could provide a monthly report on work orders.

* Complained that after speaking with Phil Remke, he checked some of the buildings on Jefferson Avenue and found a lot of trash stored inside several buildings. Manager Hendershot reported that Chief Clarke has inspected some of those buildings and citations were issued previously.

* **Haynes** - Reported the man-holes on Park Street still need raised.

* **Saunders** - Wished to thank the Street Department for taking care of the matter of 4th Street and on Filbert Avenue.

* Asked Street Commissioner Richmond if he spoke with the owner of the property behind Wood Fitness concerning the weeds. Mr. Richmond reported that he called & left a message.

* Reported the house at 1501 Fourth Street in great need of repair, windows falling out, grass needs cut.

* Reminded Chief Kudlak to take care of a house on Annadale Avenue.

* Commended the Department Heads for a job well done.

* **Mayor Wood** - Reported the weeds on First Street in front of the Fostoria need cut. Street Commissioner Richmond reported they cut and sprayed the weeds on the sidewalk in front of Fostoria.

* **DeWitt** - Reported that Water Street needs some attention with the road condition. Manager Hendershot and the Street Commissioner inspector Water Street earlier in the day.

* Asked that electric and pole be replaced at the horseshoe courts on Water Street so that citizens can start a fall league.

* Commended the Street Department work on 13th Street.

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

Meeting adjourned at 8:57 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor