

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
OCTOBER 20, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on October 20, 2010 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation was given by Councilperson Mark Simms.

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 Clarke, Street Laborer Doug Allman, Building Inspector Mercer, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: Street Commissioner Richmond.

**MINUTES:**

**Regular Council Meeting of October 5, 2010.**

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of October 5, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\* Michaela Karr, 401 11<sup>th</sup> Street, showed pictures of sidewalk damage that may be connected to water coming into her basement possibly caused by the construction of the new ambulance building.

Councilperson Young asked if the Sanitary Board can run a camera through the storm sewer to see if there has been damage caused by the new construction. Manager Hendershot will report information to Larry Bonar.

\* George Kachalo, 31 Fostoria Avenue, asked why the city moved the alley leaving him less property. Mayor Wood asked Mr. Kachalo to seek legal counsel and if he has any more problems with his neighbor, he needs to contact the police department.

**OLD BUSINESS:**

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

\* Councilperson Saunders asked for an update on the Knights of Pythias building. Chief Kudlak reported the dentist has moved out of the building leaving it empty. The building and

rooms have been measured and scaled. McKinley & Associates are waiting on the drawings and suggestions from Chief Kudlak on the usable space.

**NEW BUSINESS:**

**Discussion and Approval of a Resolution Concerning Residential Fences on Seventh Street.**

Manager Hendershot reported having a request from a resident who wished to place a fence along the front of their property, which is a city right of way. Attorney White announced the easement was drafted and he is asking for a motion to authorize the City Manager to execute, sign and record the easement at the Court House.

Councilperson Saunders made a motion to authorize the City Manager to sign the easement for fences on Seventh Street, seconded by Councilperson DeWitt.

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 an Ordinance Concerning Retirement Options for Employees. (First Reading)**

Attorney White read the following employee retirement ordinance by title only to be passed by council on first reading:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND RE-ENACTING A PORTION OF ARTICLE 155 OF THE CODE OF THE CITY OF MOUNDSVILLE, RELATING TO POLICY PROVISIONS FOR EMPLOYEES OF THE CITY OF MOUNDSVILLE, BY AMENDING AND REENACTING SECTION 155.07, SUBSECTION "g." SUBPARAGRAPH "8" SUB-SUBPARAGRAPH "B" TO PROVIDE FOR THE CHANGES IN COSTS OF RETIREES' HEALTH INSURANCE. (FIRST READING)**

Councilperson Saunders moved to accept and approve the employee retirement ordinance, seconded by Councilperson Young.

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 Truck Routes in the City of Moundsville. (First Reading)**

Attorney White read the following truck route ordinance by title only to be passed by council on first reading:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND RE-ENACTING SECTION 347.01 OF THE MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR SIZE, WEIGHT, AND LOAD LIMITATIONS UPON VEHICLES TRAVELING ON THE STREET OF THE CITY OF MOUNDSVILLE.**

Attorney White noted he combined the truck route ordinance and the weight violation ordinance into one. Councilperson Saunders moved to accept and approve the heavy vehicle ordinance, seconded by Councilperson DeWitt.

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.

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

\* Councilperson Simms asked if there was a business going next to Auto Zone on Rt. 2. Manager Hendershot reported the owner of the property is cleaning it up because of complaints from other business owners.

\* Councilperson Young reported complaints on the stream behind Short Poplar Avenue. Manager Hendershot reported most of the stream is out of city limits, the city has worked with the owner of AAA Trailer Court in the past to clean the stream. This area has been discussed with the Storm Water Management Board.

**MANAGER ITEMS:**

**Moundsville Parks & Recreation Grant.**

Manager Hendershot announced that Senator Kessler and Senator Edgell have promoted a \$12,000 grant to replace the whirlpool at the Four Seasons Pool complex.

**Letter from United States Senator John D Rockefeller IV.**

Manager Hendershot announced the receipt of a letter from U.S. Senator Rockefeller concerning the consolidation of operations from the Wheeling Post Office into the Pittsburgh processing center.

Councilperson Young moved to receive and file the letter from U.S. Senator John D Rockefeller, seconded by Councilperson DeWitt. Motion carried unanimously.

**Alley Between East End Ballfields and Curtis Avenue.**

Manager Hendershot reported this alley may have already been abandoned in 1991. Information was forwarded to Jack Tush to make sure this is the same alley.

**Business After Hours.**

The Marshall County Chamber of Commerce is sponsoring Business After Hours hosted by Mound View Health Care, October 28, 2010 from 5 p.m. to 7 p.m.

**Monarch Boys Basketball Boosters.**

The John Marshall Monarch Boys Basketball Boosters is requesting support for a Banner Sponsor in the amount of \$100. Also, the basketball program ads are \$50 for full page ad and \$25 for half page ad. Councilperson Simms referred this request to the finance committee, seconded by Councilperson Saunders. Motion carried unanimously.

**Marshall County Monarchs 2011.**

The Marshall County Monarchs 2011 is requesting donations for their trip to Cooperstown 2011. Councilperson Simms referred this request to the finance committee, seconded by Councilperson Saunders. Motion carried unanimously.

**Sanitary Separation Project.**

Manager Hendershot reported the Sanitary Board is continuing to move forward with the sanitary separation project. The PSC Staff recommended this project be approved and forwarded the request to the Administrative Law Judge.

**Litigation Involving the Board of Zoning Appeals.**

Attorney White reported the circuit court judge ruled on the case of Kimberly Brooks, petitioner versus the Moundsville Zoning Appeals Board, its Chairperson Della Deskins and individual Jonna Cunningham which was upheld.

**Legal Publication by Attorney White.**

Attorney White presented a legal advertisement published in the Moundsville Daily Echo to be received and filed by council:

1. City of Moundsville Financial Statement

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

### **Paving Update.**

Manager Hendershot updated council on the city's paving. The Fifth Street project is not complete until all the manholes are raised. The work has moved to Center Street and the short section of Highland Avenue at 194 & 199 should be completed.

### **Berisford Memorial Service.**

Manager Hendershot announced the Julian Berisford Memorial service will be on November 6, 2010 at 2:00 p.m., at the Moundsville City Building.

### **MAYOR ITEMS:**

\* Mayor Wood reminded council member that November 3, 2010 will be the next regular council meeting due to November 2, 2010 being Election Day.

\* Mayor Wood asked for an update of Fostoria. Manager Hendershot contacted DEP to set up a meeting to explain the Voluntary Remediation program and the Certificate of Completion. Arrangements for razing the stacks will be set for a later date.

\* Mayor Wood suggested since there is a fee of \$5,000 for the Voluntary Remediation and \$20,000 fee for the Certificate of Completion using \$25,000 from the timbering account that was earmarked for the campgrounds at the Riverfront Park to fund the Voluntary Remediation and Certificate of Completion for the Fostoria. Mayor Wood moved to place this request on Finance Committee agenda, seconded by Councilperson Saunders.

Councilperson Simms suggested sending a letter to the Marshall County Commission asking for their assistance in the \$25,000 fee. Manager Hendershot reported that he has been working close with the County Commission in other matters and will draft a letter of participation.

Councilperson Haynes expressed his concern for using the money that was set aside for the campgrounds.

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

\* Mayor Wood asked for the name of the new Building Inspector. Manager Hendershot announced that John Snider was hired for Building Inspector and will start November 2, 2010.

\* Mayor Wood reminded council members of the 2010 Moundsville Christmas Parade on November 20, 2010 at 2:00 p.m., and any councilperson wishing to ride in the parade may contact the mayor.

\* Mayor Wood reminded residents that Trick or Treat will be celebrated on October 31, 2010 from 6:00 to 7:30 p.m.

\* Mayor Wood asked for an update on the vacant houses. Manager Hendershot reported a list of houses that have been addressed, some demolished, some cleaned up, some renovated, others having difficulty having anything done.

## **COMMITTEE REPORTS:**

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

1. Discussion of Employee Pension Plan Administration. Committee recommends to authorize the City Manager to convert employee pension plan program to Lincoln Financial.

Councilperson Wallace made a motion to authorize the City Manager to convert employee pension plan program to Lincoln Financial, seconded by Councilperson Simms. Motion carried unanimously.

2. Discussion of Leasing Proposal for Drilling. Committee recommends to authorize the City Manager and City Attorney to enter into negotiation with AB Resources.

Attorney White said no motion is needed to make negotiations.

3. Discussion of Request for Support to the Marshall County Youth Club. Committee recommends donation of \$50.

Councilperson Wallace moved to donate \$50 to the Marshall County Youth Club, seconded by Councilperson Simms. Motion carried unanimously.

4. Discussion of Thrasher Engineering Request. Committee recommends payment of remaining \$835.75 from grant.

Councilperson Wallace made a motion to provide Thrasher Engineering with the remaining balance of \$835.75, seconded by Councilperson Haynes. Motion carried unanimously.

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

1. Discussion of Street Light at 1200 Block of Fourth Street. Committee recommends installing street light.

Councilperson Simms made a motion to install a street light at the 1200 Block of Fourth Street, seconded by Councilperson Saunders. Motion carried unanimously.

2. Discussion of Paving Section of Highland Avenue in front of 194 & 199. Committee recommends moving forward with paving.

City Manager informed council that Klug's are moving forward with paving.

### **Discussion and Approval of Recommendations by the Policy Committee.**

1. Discussion of Ordinance Dealing with Weighing Vehicles. Committee recommends directing the Attorney to draft an ordinance.

City Attorney noted the ordinance was combined with the truck route ordinance.

### **COUNCIL ITEMS:**

\* **Young** - Reported dilapidated houses at 432 & 434 Poplar Avenue.

\* Requested a copy of the contract negotiated by the city and the gas company.

\* **Haynes** - Reported two houses at First Street & Jefferson Avenue need added to the list of vacant & dilapidated houses.

\* **Wallace** - Reported no stop sign at the intersection of Sycamore Avenue & Highland Avenue.

Chief Kudlak commented on the reason behind no stop sign comes from vehicles getting stuck on Highland Avenue when it snows. There has been no sign there for many years. Councilperson Wallace referred this matter to the Traffic Committee.

\* Reported the "No Parking" signs on Morton Avenue between Sixth Street & Seventh Street need refaced. And on the south side of Penn Street.

\* **DeWitt** - Asked if City Manager contacted the gas company about the holes they have not repaired. Manager Hendershot reported the gas company should have the holes patched this week.

\* Reported water still leaking at the intersection of First Street & Hickory Avenue.

\* Asked what the city expects to do about the large light poles falling at East End basketball courts. This has been the third one that fell. Manager Hendershot reported the kind of light pole at the East End have a square base, which holds water cause the pole to rust. Councilperson Saunders will report this to the Parks & Recreation Board.

\* **Saunders** - Asked what was being done about the house on Jackson Street. Chief Clarke reported the house was demolished.

\* Thanked the Street Department for patching holes on Center Street.

\* Asked for more patrol at Four Seasons Pool parking lot, people left behind an empty case of beer bottles. Councilperson Saunders is going to request that area at dark. Manager Hendershot commented that it is hard to close a park at dark when there is a playground area and ball games going on.

\* Reported high grass at 309 Morton Avenue house has been tore down.

\* **Simms** - Reported parking problem near 1 Isner Court. Citizen has a hard time getting out of his driveway. Manager Hendershot reported very limited parking in that area. Manager Hendershot suggested he & Councilperson Simms can look at the area see if they can come up with a solution.

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

Meeting adjourned at 8:10 p.m.

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Sondra J. Hewitt, City Clerk

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David Wood, Mayor