

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MARCH 2, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on March 2, 2010 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by Councilperson Mark Simms.

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

MINUTES:

Regular Council Meeting of February 16, 2010.

Councilperson Haynes moved to accept and approve the minutes of the regular council meeting of February 16, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

Audience did not wish to speak.

**Consider the Public Hearing Concerning Analysis of Brownfields Clean Up Alternative.
(Fostoria Site)**

Manager Hendershot announced that a report was received from Thrasher Engineering in relation to the Brownfields Clean Up Grant. One of the requirements is that Thrasher review and provide the city with analysis clean up alternatives for the project. Two options were provided in the report.

Option #1 - Mass Demolition consists of knocking down the remaining structures and clean up the entire debris as containing asbestos. (Upside) The buildings would come down more quickly and would relieve the city of the eyes sore of semi damage buildings and buildings that are left standing. (Downside) This option adds to the cost and creates more area that needs to be treated as contaminated.

Option #2 - Selective Abatement Prior to Demolition the asbestos materials will be removed from remaining structures prior to demolition which allows the buildings to be razed under normal procedures and reduces the cost that allows them to segregate the asbestos containing

materials and handle them separately. (Upside) More work would be able to be done on option 2 because the materials from the structures would be removed first. (Downside) It will take a little longer to demolish the buildings because they will be doing the abatement first.

Manager Hendershot commented that the city wants to get as much out of the \$200,000 grant they possibly can. With the engineering cost and the administration costs of about \$60,000 leaving \$140,000 in actual clean up dollars. The city hopes the public will be patient and understand the city is moving forward and trying to get as much clean up as possible out of the grant.

Councilperson Saunders asked approximately how much time is the city asking for? Manager Hendershot said there is not a specific time frame. The city is working within the grant process, they actually want the city to move forward and spend the funds quickly. The engineers are in place, this is one step the federal government requires grant recipients to do. The engineering plan will be developed according to the option selected and bids will be sought for the abatement.

Mayor Wood asked if the funds were available should council choose option #2? Manager Hendershot said the money is available. The city is already working with the EPA of Philadelphia in administering the \$200,000 grant. Once the decision is made the engineering will move forward and the bid process will begin followed by the abatement.

Mayor Wood opened the floor for comments by the audience.

* Carl Boso, 305 Tenth Street, expressed his concern should the city choose option #1 because all the materials (brick, wood, dirt) would be considered contaminated. Mr. Boso commented on option #2 taking a little longer but would be better choice.

* Dennis Kidd, 1215 Second Street, suggested the city choose option #2. Items need to be separated first.

Mayor Wood called the public hearing now closed to the public.

Councilperson Saunders made a motion select option #2 - Selective Abatement Prior to Abatement, seconded by Councilperson Simms.

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

Mayor Wood asked Manager Hendershot to explain to council the next step in the process. Manager Hendershot will notify Belomar, who are administering the grant, the results of the public hearing and council's decision and move forward with engineering, the actual clean up and put out for bid to hire the company to perform the abatement. Once the abatement is done,

demolition will continue.

OLD BUSINESS:

Discussion and Approval of a Resolution Authorizing the City of Moundsville to Enter Into a Loan Agreement for the Lease-Purchase of a 2010 Chevrolet Silverado Pickup for the Sanitation Department.

Councilperson Simms made a motion to approve the resolution for the loan agreement of a 2010 Chevrolet Silverado Pickup for the Sanitation Department, seconded by Councilperson Saunders.

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

Other Items to be Discussed by Council.

* Councilperson Saunders announced that Marshall County Home and Business Expo will be held on April 16 & 17, 2010 at the former Moundsville Penitentiary. Marshall County Chamber of Commerce requested a donation of \$1500 -\$2000 for the fireworks display.

Manager Hendershot reminded council that Moundsville was under a very tight budget year and council members did not set aside money for donations.

Mayor Wood noted this request not being on the agenda and has asked for it to be placed on the Finance Committee agenda.

* Councilperson Young asked how many buildings are still standing at the Fostoria site? Manager Hendershot reported all of the standing structures that are going to be razed are four possibly five.

NEW BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Members on the Planning Commission. (First Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, REDUCING THE NUMBER OF MEMBERS ON THE CITY PLANNING COMMISSION. (FIRST READING)

Councilperson Simms made a motion to accept and approve the Planning Commission

ordinance, seconded by Vice Mayor Wallace.

Manager Hendershot explained the reason of an ordinance being presented before council was due to lack of a quorum at their last meeting and finding members to participate on the commission.

Attorney White explained the process of eliminating members of the commission by not replacing the member whose terms are going to expire.

Councilperson Simms asked for opinions of the commission members in the audience. William McConnell, Harold Wilson, Fred Brunner and Dennis Kidd were opposed to the change in commission members.

Councilperson Simms rescinded his motion and Vice Mayor Wallace rescinded his second to change the ordinance. No further action was taken.

Direct the City Attorney to Draft Ordinance to Convert the Police and Fire Pensions.

Manager Hendershot noted as part of the budget process council has decided to convert the police and fire pensions under the new state code that provides reduction in cost to the city for the next 20 years.

Councilperson Simms made a motion to direct the City Attorney to draft the ordinance to convert the police and fire pensions, seconded by Councilperson Young.

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

Discussion and Approval of a Resolution to Authorize the City Manager to Enter Into a Contractual Agreement for the City's Liability Insurance for 2010-2011.

Councilperson Simms made a motion to enter into a contractual agreement with Commercial Insurance in the amount of \$150,837.07, 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 Vice Mayor Wallace. 7 yeas. Motion carried unanimously.

Discussion of the Yearly Statement from the Fireman's Pension & Relief Fund.

Councilperson Saunders made a motion to receive and file the Fireman's Pension & Relief Fund, seconded by Councilperson DeWitt. Motion carried unanimously.

Re-Appointment to the Moundsville Sanitary Board.

Councilperson Saunders made a motion to re-appoint William D McConnell to the Moundsville Sanitary Board, seconded by Councilperson Haynes. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Saunders reported the Skateboard Club is holding a meeting on Wednesday evening in the Council Chambers to discuss plans for the skateboard arena being located at the East End Playground. The cost of the arena is approximately \$162,000. The club hopes to receive donations from businesses and citizens.

* Councilperson Young asked if ATV's were permitted to plow snow in the city. Chief Kudlak commented that he doesn't think an officer will give the person a citation for plowing snow on an ATV but he can not give any one permission to violate the law.

MANAGER ITEMS:

Storm Water Management Permit.

Manager Hendershot provided council with copies of an email from Timothy Stranko of Steptoe and Johnson concerning the Storm Water Management Permit. Council needs to give Mr. Stranko some direction to draft the ordinances for the storm water project and whether or not council wants to create a standing storm water management committee or place the storm water management under the Sanitary Board or Street Department.

Received Thank You Letter.

A letter was received from Mr. Randy Chamberlain thanking the Moundsville Street Department for all the work they do and have done during the winter weather.

Councilperson Simms made a motion to receive and file the letter from Mr. Chamberlain, seconded by Councilperson DeWitt. Motion carried unanimously.

Julian Berisford Memorial.

Manager Hendershot provided council with some information on the Berisford Memorial from Rock of Ages Memorials. Mayor Wood will provide a copy to Julian's aunt who will forward to Julian's mother.

MAYOR ITEMS:

* Mayor Wood asked for an update on the Sanford Center. Manager Hendershot commented that the board is moving forward. Another sale was held on Saturday with sales of

approximately \$500 in surplus.

* Mayor Wood asked for an update of the houses on Pine Avenue & Poplar Avenue involved in the mine subsidence. Manager Hendershot reported they are approximately 75% complete with the stabilization process. The next phase, which has not been approved, is the construction phase.

* Mayor Wood asked that paving issues to be placed on the traffic committee agenda.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Vice Mayor Wallace called a finance meeting for Tuesday, March 9, 2010 following the policy meeting.

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson Simms called a traffic meeting following the finance meeting.

Discussion and Approval of Recommendations by the Policy Committee.

Mayor Wood called a policy meeting on Tuesday, March 9, 2010 at 5:00 p.m.

Councilperson Saunders called for an executive session after the regular council meeting for personnel matters, seconded by Councilperson Dewitt. Motion carried unanimously.

COUNCIL ITEMS:

* **DeWitt** - Received complaints of the Mexican Restaurant piling snow on the sidewalk from their parking lot. She also commented that BB&T was pushing snow from their parking lot across 8th Street onto the sidewalk. Manager Hendershot will contact the restaurant and BB&T.

* **Young** - Asked when Jefferson Extension was going to be paved? Manager Hendershot said that Jefferson Avenue & 7th Street and Rt. 2 are approved to be paved this summer.

* **Saunders** - Provided Mayor Wood with items to be placed on the policy committee agenda.

* Reported Christmas decoration on light poles. Street Commissioner Richmond reported the workers have been removing the decorations for the last couple of days.

* Expressing his concern that the "flasher" has not been apprehended.

* Commended the Street Department on cleaning and repairing the streets during the winter.

* **Wallace** - Nothing at this time.

* **Haynes** - Nothing at this time.

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

Councilperson Simms made a motion to go into an executive session following a break, seconded by Councilperson Haynes. Motion carried unanimously.

Meeting recessed at 8:07 p.m.

Executive Session began at 8:10 p.m.

Executive Session recessed at 8:37 p.m.

Regular Session reconvened at 8:37 p.m.

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

Meeting adjourned at 8:37 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor