

1 STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
2 NOVEMBER 17, 2009

3 The Council of the City of Moundsville met in regular session in the Council Chambers on November  
4 17, 2009 at 7:00 p.m.

5 Meeting was called to order by Mayor David Wood.

6 Invocation given by City Manager Allen Hendershot, after a moment of silence in honor of Army Spc  
7 Julian Berisford.

8 Acting City Clerk Ankrom called the roll and the following councilpersons were in attendance: DeWitt,  
9 Haynes, Saunders, Simms, Wallace, Young and Mayor Wood. Also present: City Manager Hendershot,  
10 Police Chief Kudlak, Fire Chief Clarke, Public Works Director Richmond, Building Inspector Watson,  
11 CPA Kathryn Goddard, Attorney Thomas White and Acting Clerk Ankrom. Absent was City Clerk  
12 Hewitt (vacation).

13 **MINUTES:**

14 **Regular Council Meeting of November 3, 2009.**

15 Councilperson Haynes made a motion to accept the minutes of the regular Council meeting of  
16 November 3, seconded by Councilperson Saunders. Councilperson Simms noted that he was absent  
17 from the November 3 meeting but the minutes reflected on line 12 of page 1 that he was present.  
18 Councilperson Saunders then rescinded his original motion and made a motion to accept and approve  
19 the minutes as corrected, seconded by Councilperson Haynes. Motion carried unanimously.

20 **GENERAL PUBLIC HEARING:**

21 Pictures of the Street Department's recently-purchased truck were passed around; and Mayor Wood  
22 noted that the truck was parked in the lot, should anyone wish to see it.

23 A sociology student took a picture of Council for a government class.

24 Boy Scout Chris Haught was introduced as a member of the audience.

25 No one wished to address Council.

26 **OLD BUSINESS:**

- 27 • Councilperson Saunders referred to the pictures being distributed showing demolition progress at  
28 the Fostoria site; however, he questioned when the debris on 1<sup>st</sup> Street will be removed. Manager  
29 Hendershot explained that, according to Mr. Brown of RAZE International, the damaged building  
30 will be addressed once some scheduled work behind it is complete. Councilperson DeWitt stated  
31 that the sidewalk debris cleanup should be a priority. It was noted that pedestrians should not be  
32 walking on that side of the street. Manager Hendershot will ask that a representative from GAB be  
33 more diligent about addressing Council on the progress.
- 34 • Councilperson DeWitt asked about opening the end of the alley between Ruby and Pearl Streets.  
35 Director Richmond noted that the property has been surveyed, and the alley is over farther than  
36 officials expected. There are a couple of structures located on City property, and they, along with  
37 some debris, need to be removed. Councilperson DeWitt expressed concern about water laying in  
38 the area and freezing, causing hazardous conditions.
- 39 • Councilperson DeWitt noted the electric pole on 7<sup>th</sup> Street is still leaning.

- 1 • Councilperson Young raised discussion about the house at 7<sup>th</sup> Street and Myrtle Avenue. Chief  
2 Clarke noted that the property has been cleaned up and the building secured. Chief Clarke noted  
3 that he and Inspector Watson are working together on addressing problem properties.
- 4 • Councilperson Haynes asked about house on North Street, which has been turned over to the Police  
5 Department.
- 6 • Councilperson DeWitt asked about 1114 8<sup>th</sup> Street, which Chief Clarke confirmed will be addressed  
7 in Municipal Court.
- 8 • Councilperson Saunders questioned status of 1403 3<sup>rd</sup> Street. Chief Clarke noted that garbage and  
9 debris has been cleaned up; and it is no longer in violation of the Sanitation code.
- 10 • Manager Hendershot noted that there are no “pot holes” on the walking trail, but the Recreation  
11 Department will be trenching some low spots to provide adequate drainage.
- 12 • Councilperson Saunders asked about Mr. Yoho on 5<sup>th</sup> Street. Manager Hendershot stated that the  
13 gentleman has been working with the City to address the problem.

14 **NEW BUSINESS:**

15 **Discussion and Approval of an Ordinance Pertaining to the Handicapped Parking Policy (First**  
16 **Reading)**

17 Attorney White read the ordinance by title only:

18 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE TO AMEND AND REENACT**  
19 **SECTIONS 361.06 OF THE MOUNDSVILLE CODE TO PROVIDE RULES AND**  
20 **PROCEDURES FOR GRANTING OR DENYING REQUESTS FOR PRIVATE**  
21 **RESIDENTIAL HANDICAPPED PARKING PERMITS; AND TO PROVIDE FOR A TWO-**  
22 **HOUR LIMIT FOR PUBLIC HANDICAPPED PARKING**

23 Mayor Wood questioned section (f); Attorney White responded that it applied to public handicapped  
24 parking, which the City Manager and Traffic Chairman can address. The “Council designee” will  
25 address residential parking issues. Mayor Wood was pleased that the appeal process section was  
26 worded as Council requested. Attorney White noted that, after the ordinance is approved on Second  
27 Reading, Council will have to appoint a designee to handle residential requests. Councilperson  
28 Saunders made the motion to accept the ordinance as written, seconded by Councilperson DeWitt.  
29 Mayor Wood called for a roll call vote; and Acting Clerk Ankrom announced the following tally: 7  
30 yeas. Motion carried unanimously.

31 **Discussion and Approval of a Resolution to Partner with the County to Update the Marshall**  
32 **County Multi-Jurisdictional Hazard Mitigation Plan**

33 Councilperson Simms made a motion to approve the update, seconded by Councilperson Saunders.  
34 Manager Hendershot explained that the County obtained a grant to put the hazard mitigation plan in  
35 place; and the State requires that municipalities either develop their own plan or “piggy back” onto  
36 their respective counties' existing plan. Mayor Wood called for a roll call vote; and Acting Clerk  
37 Ankrom announced the following tally: 7 yeas. Motion carried unanimously.

38 **Discussion and Approval of a Resolution Providing Intension to Impose Storm Water**  
39 **Management (MS4) Regulations**

40 Councilperson Simms made a motion to approve the resolution, seconded by Councilperson Haynes.

1 Manager Hendershot explained that Steptoe & Johnson were helpful in assisting with ordinance  
2 preparation; and the City has until January to implement regulations required in the Phase II permit.  
3 Manager Hendershot is optimistic that, since the City is taking positive action, the Department of  
4 Environmental Protection may grant a time extension for the paperwork. Councilperson Young raised  
5 discussion on the fairness of charging fees to residents outside of City limits. Manager Hendershot  
6 noted that the County has applied for a watershed grant, which could allow for cleanup in smaller  
7 streams and address run-off problems. Manager Hendershot also explained that the first MS4 permit  
8 was received five years ago and the standards have been met thanks to the diligent work of Sanitary  
9 and Street crews; however, the second permit requires more aggressive action. Mayor Wood called for  
10 a roll call vote; and Acting Clerk Ankrom announced the following tally: 7 yeas. Motion carried  
11 unanimously.

12 **Discussion and Approval of a Resolution Authorizing the City of Moundsville to Host as a Grant**  
13 **Recipient to Receive Juvenile Justice & Delinquency Prevention Title V Community Prevention**  
14 **Grants for the Moundsville Resource Center**

15 Manager Hendershot explained that no action is required due to a change in the project scope, which  
16 did not meet the Family Resource Network's directives; therefore the FRN is not applying for the grant,  
17 nor is any other area organization.

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

19 Nothing was discussed.

20 **MANAGER ITEMS:**

- 21 • Manager Hendershot advised that the 12<sup>th</sup> Street Sidewalk Project is moving forward. The total bid  
22 came in at \$65,000.00; therefore, the City match will be less than expected.
- 23 • Manager Hendershot reiterated that two buildings, at Fostoria, have been razed and work continues.  
24 The Consultant Requests for Proposal will be received by BelOMar on November 20; then the  
25 abatement plan can be written and put out for bid. Councilperson Simms questioned whether the  
26 City will be required to match grant funds; Manager Hendershot noted that, because ARRA money  
27 is being used, the 20% match is no longer required.
- 28 • Manager Hendershot stated that the new Sanitation truck has been delivered and put into service.  
29 The old truck will be put out for bid; and Manager Hendershot recommends using this money to do  
30 improvements at the City garage, including a truck wash bay, which is an MS4 requirement.
- 31 • Manager Hendershot encouraged Council and residents to view the new dump truck, and compare  
32 the body repairs to the pictures taken right after purchase.
- 33 • Manager Hendershot noted that the floor and two of three walls have been installed for the new salt  
34 shed, which also is an MS4 requirement. Also, salt has been received and the department is ready  
35 for winter.
- 36 • Manager Hendershot stated that the Sanford Board met earlier this evening and is moving forward.
- 37 • Manager Hendershot reminded those present that the Moundsville Christmas Parade is on the 21<sup>st</sup>.  
38 Also, the Tree Gala Light Up is this Thursday, starting with Business After Hours at 5:00 PM.  
39 Manager Hendershot also noted that December 3 is another Business After Hours, followed by the  
40 Tree Auction.
- 41 • Manager Hendershot referred to a print out, distributed to Council, noting citations issued to

1 municipalities for not taking action on the MS4 program. He expressed appreciation to Council for  
2 keeping the process moving forward.

3 • Manager Hendershot also distributed information relating to legislation on Municipal Police & Fire  
4 Pension reform, which will be addressed during special session.

5 • Attorney White presented four legal ads to be received and filed. They were:

6 RFP for IP-PBX phone system	Pearl Street Petition for Zoning Variance
7 bids for Riverfront Shelter	1st Street Petition for Zoning Variance

8 Councilperson Simms made a motion to receive and file the legal publications, seconded by  
9 Councilperson Haynes.

10 • Police Chief Kudlak explained that the CAD System is up and running; and staff is still learning the  
11 program. Also, the new phone system has been installed, which allows for more lines, voice  
12 capabilities, and call recording. Both of these systems were paid for with grants totalling about  
13 \$94,000.00; Chief Kudlak was congratulated on his writing and receiving the grants. Chief Kudlak  
14 explained that Corporal Farris submitted paperwork for “Operation Lifesaver;” and they are waiting  
15 for equipment and Officer training. Most of the equipment is paid for, but Corporal Farris is still  
16 researching grants to cover additional costs.

17 • Manager Hendershot noted that Chief Clarke will provide AED training tomorrow morning at  
18 10:00.

19 **MAYOR ITEMS:**

20 • Mayor Wood thanked City Police, Fire, and Street Departments for their assistance during Army  
21 Spc Berisford's funeral and processions. He stated that the family appreciated everything that was  
22 done.

23 • Mayor Wood receives weekly complaints regarding issues with loud motorcycles near the “Boom  
24 Ground.” Chief Kudlak has discussed the issue with the bar owners and the ABCC, which will take  
25 action on a signed complaint. Chief Kudlak reassured that officers will cite violators who are  
26 caught “in the act,” which is not always possible.

27 • Mayor Wood, along with other Councilmembers, is consistently receiving calls about the two-way  
28 stop at 5<sup>th</sup> Street and Jefferson Avenue. Chief Clarke explained how the change affects the Fire and  
29 Police Departments' response to calls, which was instrumental in swaying Council to elect two-  
30 way, rather than four-way, stops. Manager Hendershot requested the State's assistance in  
31 addressing the visibility issue.

32 • Mayor Wood requested that Council go into Executive Session, at the end of the meeting, to discuss  
33 personnel matters.

34 **COMMITTEE REPORTS:**

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

36 **1. Advertising for 2010 Fireworks Display. Committee recommends putting fireworks out**  
37 **for bid.**

38 Vice-Mayor Wallace made a motion to advertise for the 2010 Fireworks display, seconded by  
39 Councilperson Saunders. Motion carried unanimously.

1       **2. Christmas House Decorating Contest. Date set for December 9, 2009.**

2           Manager Hendershot asked that residents interested in being part of the contest please call the  
3           City Clerk's Office to get on the list. Councilperson Young made the motion to advertise,  
4           seconded by Councilperson Haynes. Motion carried unanimously.

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

6       **1. Request for Street Light on Park Street Between Walnut Avenue & Jackson Street.**  
7       **Committee Recommends to install street light.**

8           Councilperson Simms made the motion to install a street light on Park Street between Walnut  
9           and Oak Avenues, seconded by Councilperson Haynes. Motion carried unanimously.

10          The Traffic Committee recommended a work order for the street light request between  
11          Mulberry Avenue and Jackson Street. Manager Hendershot will follow up on checking the bulb  
12          wattage of that light. Mayor Wood noted that this particular light is not directly on the corner,  
13          but more toward the middle of the street.

14       **2. Discussion of Free Parking in Moundsville During Holiday Season. Committee**  
15       **recommends free parking during holiday season from December 1, 2009 through January**  
16       **1, 2010 excluding around the Court House.**

17          Councilperson Simms made the motion to have free parking from December 1, 2009 through  
18          January 1, 2010, excluding the area around the Marshall County Court House, seconded by  
19          Councilperson Saunders. Motion carried unanimously.

20       **3. Making Oak Avenue Two-Way Street**

21          Councilperson Simms reported that the Traffic Committee denied a request to make Oak  
22          Avenue a two-way street.

23       **4. Installation of a Stop Sign at the Intersection of Poplar Avenue and Ohio Street**

24          Councilperson Simms commented that the Police Department is conducting a speed study and  
25          will likely report at the next Traffic Committee meeting.

26       **5. Allens Bootery Parking Lot**

27          Councilperson Simms asked Director Richmond to address pot holes in the City Parking Lot  
28          behind Allen's Bootery.

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

30          Mayor Wood noted that the handicapped parking policy was already addressed, as was the hazard  
31          mitigation plan resolution.

32          Mayor Wood also stated that discussion was held, but no action was taken, on Federal House Bill 413,  
33          which addresses collective bargaining for police and fire department.

34       **COUNCIL ITEMS:**

35       \* **Young** - Received complaint about house at 123 Baker Avenue.

36       \* Revisited issue of the house at 7<sup>th</sup> Street and Myrtle Avenue.

37       \* Noted that he has received a lot of complaints about stop sign at 5<sup>th</sup> Street and Jefferson Avenue.

38       \* Thanked Department Heads for staying within their budgets by doing work "in-house" and actively

1 seeking grants to help pay for items.

2 \* **Wallace** - Reported pot holes at 1<sup>st</sup> Street and Baker Avenue, in front of Dr. Ho's office. Manager  
3 Hendershot noted that 1<sup>st</sup> Street is actually the Department of Highways responsibility, but the City will  
4 do what it can to help.

5 \* Reported pot holes on Kentucky Avenue, below Potomac Street.

6 \* Asked Director Richmond to check out 7<sup>th</sup> Street, from Lafayette to Western Avenue.

7 **Simms** – Thanked the “good” Department Heads for helping run an effective government.

8 \* Wished everyone a “Happy Thanksgiving!”

9 **Haynes** – Reported pot holes between Locust and Linden Avenues.

10 \* Expressed sympathy for the Bersiford family.

11 \* **Saunders** – Submitted a petition to the Water Board regarding grants. Manager Hendershot noted  
12 that this was discussed at the last Board Meeting and Superintendent Woods will pursue, even though  
13 there are no known monies available for a booster pump. Discussion was held on residents installing  
14 individual pumps to increase water pressure. Residents could contact Superintendent Woods to get  
15 further details and specific information.

16 \* Commended the Street Department for the great deal they got on the salt spreader and dump truck.

17 \* Asked about receipt of the new cruiser. Chief Kudlak stated that the 2010 cruiser is in service; and  
18 he is conferring with CPA Goddard about financing for a 2011.

19 \* Asked Director Richmond to send street sweeper to Curtis Avenue. Manager Hendershot noted that  
20 both sweepers and the leaf vac are inoperable at this time.

21 \* Wished everyone a “Happy Thanksgiving!” and safe deer season.

22 \* **DeWitt** – Confirmed with Director Richmond that Jefferson Avenue will be cleaned up before the  
23 Christmas Parade. Manager Hendershot noted that store owners are responsible for sidewalk  
24 maintenance. It was suggested to have Glen Dale assist until the equipment is fixed.

25 \* Asked about a faucet installed on 9<sup>th</sup> Street, just past the Armory. Manager Hendershot explained  
26 that the Water Board had to install this for sample testing requirements.

27 \* Was aware of a resident submitting a letter of interest for the Planning Commission vacancy; but  
28 Manager Hendershot said no letters have been received by his office.

29 Vice Mayor Wallace made a motion to adjourn the regular meeting and enter into Executive Session,  
30 seconded by Councilperson Saunders. Motion carried unanimously.

31 Regular Meeting adjourned at 7:59 PM.

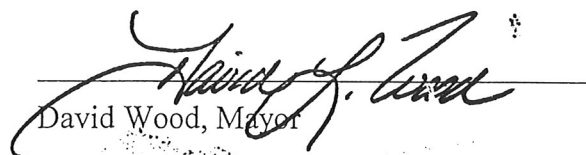
32 Exective Session began at 8:04 PM and ended at 8:12 PM.

33 Councilperson Young made the motion to adjourn, seconded by Councilperson Saunders. Meeting  
34 adjourned at 8:13 PM.

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37 Karen L. Ankrom, Acting City Clerk

  
David Wood, Mayor