

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MAY 18, 2010**

The council of the City of Moundsville met in regular session in the Council Chambers on May 18, 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, Wallace, Mayor Wood and Young. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Laborer Wallace, Building Inspector Mercer, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: Street Commissioner Richmond and Building Inspector Wise.

MINUTES:

Regular Council Meeting of May 4, 2010.

Councilperson Haynes made a motion to approve the minutes of the regular council meeting of May 4, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Michael Burke, Moundsville Alumni Association, spoke to council about the 2010 Homecoming Celebration to be held on Labor Day weekend. The Moundsville Alumni Association is requesting the City of Moundsville to purchase an ad for the brochure as they did last year. Mayor Wood commented that donations were not in the 2009-2010 budget, but council did approve donations for the 2010-2011 budget.

After some discussion, Vice Mayor Wallace made a motion to purchase a full ad in the amount of \$100 for the Moundsville Alumni Association brochure, funding will be from the 2010-2011 budget, seconded by Councilperson Saunders. Motion carried unanimously.

* Police Chief Kudlak introduced three officers who have graduated from the WV State Police Academy: PFC Brittany Carr, PFC Sean Wilhelm and PFC Joe Crow.

* George Kachalo, 31 Fostoria Avenue, spoke to council about his property line and the city extending the alley which decreased his footage. Mr. Kachalo advised council that he will consulting an attorney.

* David White, 406 Clinton Avenue, asked for an update on the Fostoria project. Manager

Hendershot advised that he will be discussing this under his items later in the meeting.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson DeWitt asked if further action has been taken on the vacant and dilapidated houses between 7th & 8th Street and Lockwood Avenue? Fire Chief Clarke reported the owner of one house was brought before Judge Chase, paid fine and should be recited. Another owner was from out of town and the city will probably never see them again, and the last owner has applied to FEMA to see if the house can be claimed under flood damage.

* Councilperson DeWitt asked Fire Chief Clarke if the owner of the burned house on 8th Street between Lafayette Avenue & Tomlinson Avenue will have letters sent to them. Chief Clarke reported calling the State Fire Marshall and the insurance company, but has not received a call back.

* Councilperson DeWitt asked Fire Chief Clarke if he has had the questions concerning the ambulance service answered by Attorney White? Chief Clarke is making an appointment with Attorney White to discuss the questions.

* Councilperson Saunders asked for an update for the houses on Curtis Avenue, Annadale Avenue and two on Fifth Street that need repaired or grass is too high. Manager Hendershot reported work orders were completed. Chief Kudlak explained that within 24 hours an officer assigned to the work orders has made or attempted to make contact.

* Councilperson Simms commented on the house on Fourth Street with windows boarded up. Fire Chief Clarke reported the new owner has fixed the roof, boarded up the windows and is in the process of remodeling.

* Councilperson Simms reported the house on First Street that caught fire is being razed next week.

NEW BUSINESS:

Discussion and Approval of a Resolution to Renew the Contract with the Health Plan Insurance company to Provide Health Care Benefits for Employees.

Councilperson Saunders made a motion to approve the resolution to renew the contract to provide health care benefits for the employees, seconded by Councilperson DeWitt.

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

Discussion and Approval of a Resolution with Wesbanco Insurance Services to Provide Assistance with Medical Benefits and Claims.

Councilperson Saunders made a motion to approve the resolution to provide assistance with medical benefits and claims, seconded by Councilperson Simms.

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

Discussion and Approval of a Resolution with Vision Service Plan to Provide Assistance with Vision Benefits to Employees.

Councilperson Saunders made a motion to approve the resolution to provide assistance with vision benefits to employees, seconded by Councilperson Haynes.

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

Other Items to be Discussed by Council.

* Councilperson DeWitt asked Manager Hendershot if Brandon Mercer was going to be replaced in the Street Department since he transferred to the Building Inspection Department.

Manager Hendershot commented he is waiting to see how the budget is before hiring in the Street Department and the Police Department is conducting their review process.

MANAGER ITEMS:

Grand Vue Pool Grand Opening.

Manager Hendershot announced that council received invitations for Grand Vue Park Grand Opening for their new Aquatic Center on Saturday, May 29, 2010 at 11:00 a.m. Manager Hendershot also commended Grand Vue for an excellent job they are doing with the park.

Fostoria Demolition Project.

Manager Hendershot reported having met with RAZE International and Thrasher Engineering to sign the contract for asbestos removal. RAZE has already notified DEP and have a ten day waiting period. Once RAZE receives approval from DEP, they will be ready to start cleaning the area. RAZE will start with the piles of debris in the middle of the property.

Summer Youth Program.

Manager Hendershot reported that eight summer youth kids will be hired to help the Street Department with weed eating, mowing, curb painting, etc.

MAYOR ITEMS:

* Mayor Wood commented about the tour of the Knights of Pythias building. Having potential for a police department. Manager Hendershot requested copies of utility bills and the members asked that access to the third floor for their meetings be placed in the deed.

* Mayor Wood presented a Special Award in Recognition and Support of the Moundsville Police Department from the United States Marine Corp Kilo 325 Farewell Event.

* Mayor Wood requested an update on Sanford Center. Manager Hendershot reported things going well. They have a volunteer work crew assisting with patching, sanding, painting and cleaning. Most of the surplus is gone. A roof leak caused some problem but has been repaired.

* Mayor Wood asked for an update on the mine subsidence on Poplar Avenue & Second Street area. Manager Hendershot reported DEP has done what they could do. They have left the area. Fire Chief Clarke will check on the situation.

* Mayor Wood asked for an status on the Sanitary Tier II Rate Increase. Manager Hendershot reported the Sanitary Board is waiting on the Public Service Commission's approval. After council passed the ordinance, the board submitted a Rule 42 (Financial Statement) to the PSC. The PSC has a set of rules that they promulgated themselves. Regulations that municipalities and public service district had to adhere to. They have a very strict set of standards, but for the last seven or eight years they have not made municipalities meet this level. In April, 2010, the Public Service Commission decided they were going to make everyone meet that level whether you had already applied or not. The PSC has now decided that the Moundsville Sanitary Board did not meet their standards, even though the PSC does not set rates for municipalities unless there is a protest. (Which there has been no protest). In the meantime, the PSC staff recommended that Moundsville's Rule 42 be thrown out because it did not meet their standards. So, the Sanitary Board had their attorney file briefs with the Public Service Commission that went through one of their administrative law judges who recommended that staff's recommendation be accepted sending it back to the PSC.

* Mayor Wood congratulated Brandon Mercer on accepting the position as Building Inspector.

COMMITTEE ITEMS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Discussion of Employees Pension. Presentation made by Chris Karpinski of Edward Jones concerning options his company can offer employees. Committee recommended no action taken pending further review.

2. Discussion of State Police Barracks. Committee recommends to continue looking at options, which include City remodeling or MEDC offers to remodel and rent back to City. Committee recommends looking at other options which includes the option from MEDC.

3. Discussion of RV Camp Ground Site. Committee recommends reviewing the drawing of site submitted by the City Engineer.

Councilperson DeWitt commented on the expense of installing a substation and state regulations that only allow campers to stay at a site for 180 max. Manager Hendershot commented the 180 max is to keep campers from “living” in the campers. Councilperson DeWitt requested a public hearing to see what the citizens want before moving forward.

Vice Mayor Wallace made a motion to proceed with the plans of the RV Camp Ground Site, seconded by Councilperson Haynes.

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

4. Discussion of Bus Levy Issue. Committee recommends placing the levy on the ballot for November 2010 election.

Vice Mayor Wallace made a motion to place the bus levy on the ballot for November 2010 election, seconded by Councilperson Saunders.

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

5. Discussion and Approval of Budget Revision for the 2010-2011 General Fund.

Vice Mayor Wallace made a motion to approve the budget revision for the 2010-2011 General Fund, seconded by Councilperson Saunders. Motion carried unanimously.

6. Discussion and Approval of Budget Revision for the 2010-2011 Coal Severance Fund.

Vice Mayor Wallace made a motion to approve the budget revision for the 2010-2011 Coal Severance Fund, seconded by Councilperson Saunders. Motion carried unanimously.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Discussion and Approval of handicapped request at 215 Washington Avenue & 1316 Center Street. Committee recommends the Police Chief handle these requests and advise the City Manager of his actions.
2. Discussion of “4-Way Stop” sign at Fifth Street & Jefferson Avenue. Committee recommends further discussion and review before council takes action.

Councilperson Saunders made a motion to extend the yellow lines at the intersection instead of the 4 way stop, seconded by Councilperson Simms.

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

3. Request and Approval of a Street Light in the Vicinity of 230 Curtis Avenue Between Virginia Street and Third Street. Committee recommends installing light, pole number needed.

Councilperson Simms made a motion to install the street light, seconded by Councilperson Haynes. Motion carried unanimously.

4. Councilperson Young made a motion to make Fifth Street & Jefferson Avenue a “4-way stop”, seconded by Councilperson Wallace.

Mayor Wood called for a voice vote. City Clerk announced the tally. Saunders, Simms, Mayor Wood and DeWitt voting nay. 4 nays. Wallace, Young and Haynes voting yea. 3 yeas. Motion failed.

Manager Hendershot explained to council that if they approved the 4 way stop at Fifth Street & Jefferson Avenue, council would have to go through the proper procedure of contacting the Department of Transportation to get approval. The city can not install stop signs now without DOH approval.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion of Proposed Ordinance Regarding Rental Housing Registration. Committee recommends the City Attorney provide proposed ordinance with three options for council’s consideration. Council will review and discuss further.
2. Discussion and Review of City Code Pertaining to Nuisance Ordinance. Committee recommend the review is centered on the proposed housing registration.
3. Discussion of MS-4 Storm Water Permit Project Proposed Ordinance. Committee

recommends the City Manager to contact Tim Stranko and advise him that Council wants him to attend the June Committee meeting so that there can be on final review before action is taken.

COUNCIL ITEMS:

* **Haynes** - Reported whiskey weeds at 29 Hickory Avenue.

* Reported the house at 113 Cedar Avenue is vacant and needs tore down. Manager Hendershot explained the owner of this house lives in New Martinsville but the Building Inspectors are working on contacting Mr. Webber.

* **Saunders** - Announced that anyone interested in touring the coal mine on Friday, May 28, needs to let Gene know by Friday, May 21.

* Reported the Street Department filled a hole and repaired the sidewalk at 1505 Fourth Street which is now sinking again. Asked Manager Hendershot to notify the Gas Company.

* Reported high grass at 1001 Fifth Street and 1409 Seventh Street.

* **DeWitt** - Reported when the gas company dug up the area at 1505 Fifth Street and crushed the drain, so the water is washing to ground away.

* **Young** - Asked what it means for the city if the Police & Fire Pensions are retroactive to July 2009. Manager Hendershot explained that the numbers the city projected for expenses for the Police and Fire pensions for next year's budget that actually take effect this year would mean a dramatic savings for the city.

* **Wallace** - Received complaints that the little park by the walking trail and the walking trail need mowed. Manager Hendershot will forward complaint to the Parks & Recreation Board.

* Reported the curb at 4th Street & Baker Avenue need repaired.

* Reported the one hour parking sign by 704 Third Street need removed or refaced.

* **Simms** - Received complaint of a house caving in on Jefferson Avenue.

* Asked if the purchase of a street sweeper is waiting on the vote of council? Manager Hendershot reported not having the funding to purchase the sweeper at the end of this year and it is not clear as to what the city will be paying on the pensions. When Manager Hendershot finds out if the actuary is accurate, there will be some money to purchase the sweeper.

Vice Mayor Wallace thought the sweeper purchase was in the 2010-2011 Budget. Councilperson Simms made a motion to proceed with going out for bid for the purchase of the

Pelican sweeper, seconded by Councilperson Saunders. Motion carried unanimously.

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

Meeting adjourned at 8:23 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor