

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MARCH 16, 2010**

The Council of the City of Moundsville met in regular session in the Council Chambers on March 16, 2010 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by City Manager Allen Hendershot.

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

MINUTES:

Special Council Meeting of February 23, 2010.

Councilperson Haynes made a motion to accept and approve the minutes of the special council meeting of February 23, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

Regular Council Meeting of March 2, 2010.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of March 2, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* William Groft, 204 Tomlinson Avenue, opposed the zone change at 702 Second Street mainly because of the parking problem. He hopes that Mr. McGilton will find a garage with the parking he needs.

Public Hearing on the 2010-2011 General Fund Budget.

Manager Hendershot reported a balanced budget for 2010-2011 General Fund with revenues being \$6,165,187.00 and expenditures are \$6,165,187.00.

Mayor Wood asked if citizens in the audience had any comments on the 2010-2011 General Fund Budget. With no comments being heard, Councilperson Saunders moved to close the public hearing, seconded by Councilperson DeWitt. Motion carried unanimously.

OLD BUSINESS:

* Councilperson DeWitt asked if Manager Hendershot heard anything back from DOH concerning the turn signals 7th & Lafayette? Manager Hendershot said it was discussed to remove the turn signal at 5th Street and installing the one at 7th Street. Another option was to leave the one at 5th Street and installing one at 7th Street.

* Councilperson DeWitt reported that Rt. 2 is still sinking in front of the Mexican Restaurant. Manager Hendershot will contact DOH.

* Councilperson Saunders reported more graffiti on the back of the old Convenient Store and remains on the Yellow Cab building.

* Councilperson Saunders complained the burned house on Curtis Avenue has had no repairs done to it. Manager Hendershot reported the owner obtained a six month permit and is waiting on the weather to clear. The owner is still in his time line.

NEW BUSINESS:

Discussion and Approval of Recommendation by the Moundsville Planning Commission Concerning a Zone Change at 702 Second Street from and (R-G) General Residential to (C-C) Central Business District. (City Attorney to Address Council on the Comprehensive Plan)

Attorney White explained that drafting an ordinance would enable the zone change. After reviewing the Planning Commission minutes where the request was approved, Attorney White found that the commission laid inconsistent consideration of the issue onto council. Supreme Court ruling mandates certain things, one being they consider the impact of whether or not this request complies with Moundsville's Comprehensive Plan. If it does comply with the comprehensive plan, it can be recommended by the commission. If it does not comply with the comprehensive plan, there is another way to approve it but the commission must consider the impact of a certain number of listed issues of the law that was submitted to the commission by Attorney White for a previous zone change that is now in litigation.

Attorney White has recommended that council send this issue back to the Planning Commission for reconsideration. Councilperson Saunders made a motion to send this issue back to the Planning Commission, seconded by Councilperson Haynes.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Mayor Wood, Young, Simms, Saunders, Haynes and DeWitt. 6 yeas. Motion carried unanimously.

Receive and File a Resolution of the Moundsville Sanitary Board Recommending the Adoption of a Municipal Sewer Rate ordinance by the Moundsville City Council.

Sanitary Board Attorney James Kelsh explained to council the previous rate increase will go into effect March 17, 2010. The Sanitary Board has obtained full funding for Tier II combined sewer overflow separation project. Bids for this project will be opened September 9, 2010, construction will begin fourth quarter of 2010 into the first quarter of 2011 and project completion is anticipated for late summer of 2011. The rates for this project, Tier II, will not go into effect until the project is completed.

Councilperson Simms made a motion to receive and file the Sanitary Board Resolution for the Tier II Combined Sewer Overflow Separation Project, seconded by Councilperson Saunders.

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

Discussion and Approval of a Proposed Sanitary Tier II Rate Increase. (First Reading)

Attorney White read the following Sanitary Rate Increase 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 THE EXISTING RATE SCHEDULED FOR THE SANITARY DEPARTMENT OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA. (FIRST READING)

Councilperson Simms made a motion to accept and approve the Sanitary Rate Increase, seconded by Councilperson Saunders.

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

Discussion and Approval of the 2010-2011 City of Moundsville General Fund Budget.

Councilperson Simms made a motion to approve the 2010-2011 City of Moundsville General Fund Budget, seconded by Councilperson Saunders.

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

Discussion and Approval of a Resolution Authorizing the City to Enter Into a Contractual Agreement with the Governor's Community Partnership Office for a Grant Award. (Strand Theater Preservation Society - \$10,000)

Councilperson Simms made a motion to authorize the City to enter into a contractual agreement with the Governor's Community Partnership Officer for a grant award in the amount of \$10,000

for the Strand Theater restoration, seconded by Councilperson Young. Motion carried unanimously.

Discussion and Approval of a Resolution to Convert the Moundsville Police Pension.

Councilperson Saunders made a motion to adopt the resolution concerning the Moundsville Police Retirement System, seconded by Councilperson Simms.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Haynes, DeWitt, Mayor Wood, Young, Simms and Saunders. 6 yeas. Motion carried unanimously.

Discussion and Approval of a Resolution to Convert the Moundsville Fire Pension.

Councilperson Saunders made a motion to adopt the resolution concerning the Moundsville Fire Retirement System, seconded by Councilperson DeWitt.

Mayor Wood called for a voice vote. City Clerk announced the following tally. DeWitt, Mayor Wood, Young, Simms, Saunders and Haynes. 6 yeas. Motion carried unanimously.

Appointment to the Planning Commission.

Manager Hendershot reported that David White submitted a resignation letter concerning his membership on the Planning Commission. Manager Hendershot advised that he will be filling the vacancy with John Icard as of 04/04/2010.

Receive and File the 2010-2011 Moundsville Sanitary Board Budget.

Councilperson Simms made a motion to receive and file the 2010-2011 Moundsville Sanitary Board Budget, seconded by Councilperson Haynes. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Simms asked if Manager Hendershot will be make a request for any digest money this year? Manager Hendershot said that he has spoken with representatives at the WV Legislature concerning digest funding. Councilperson Simms suggested asking the delegates to match the city's municipal fee for paving. Manager Hendershot will send letters.

* Councilperson DeWitt asked Manager Hendershot to suggest turn arrows on Rt. 2 exiting the bridge east to north, east to south and east onto 12th Street.

MANAGER ITEMS:

Imagination Library Launch.

Council members are invited to attend the Marshall County Imagination Library Launch event at

the Grave Creek Mound, Friday March 19, 2010 from 1:00 to 4:00 p.m. Booths and activities are provided by community and state organizations.

Letter of Appreciation.

The City of Benwood Mayor Edward Kuca Jr sent a letter of appreciation for permitting Fire Chief Clarke to administer the National Incident Management System classes to Benwood City Council.

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

Business After Hours.

The Marshall County Chamber of Commerce is sponsoring Business After Hours hosted by Altmeyer Funeral Home Thursday, March 25, 2010 from 5-7 p.m. at the Moundsville Country Club. Council members wishing to attend must call Marilyn Kaufman.

MAYOR ITEMS:

* Mayor Wood commended CPA Kathryn Goddard, City Manager Hendershot and all the Department Heads for assisting in the process of the yearly budget.

* Mayor Wood attended the celebration for 175th Birthday for Marshall County at the court house.

* Mayor Wood asked for an update on the abatement bid process at the Fostoria. Manager Hendershot reported the specs are being prepared and moving forward.

* Mayor Wood attended a cake from the Boy Scouts Cake Auction. Council members wishing to donate toward the purchase of a \$50 cake may see the Mayor.

* Mayor Wood asked for an update on the mine subsidence at Poplar and Second Street. Manager Hendershot reported not having any further contact with anyone since the last council meeting but at that time it was reported that 70% of the drilling has been completed and concrete has been pumped into the ground for stabilization.

* Mayor Wood asked for an update on the Sanford Center. Manager Hendershot reported having developed their letterhead and being incorporated. The center is moving forward with rental of the gymnasium.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Simms presented items for the Finance Committee in the absence of Vice Mayor Wallace.

* Discussion was held on the financial statement for February 2010.

* Discussion of Contribution to the Chamber of Commerce for Fireworks Display at the Home & Business Expo. The committee recommended drafting a letter delineating the assistance and involvement of the city. However, the city is unable to provide financial assistance at this time.

* Discussion of Health Insurance Renewal. Committee recommends to convert health plan coverage from POS to HMO plan due to savings.

Manager Hendershot noted that health insurance is not up for renewal until July 1, 2010. The amount for HMO has been budgeted in the 2010-2011 budget.

* Discussion of Bus Levy on November 2010 Election. Committee recommends to direct the City Attorney to draft an ordinance to place the bus levy on the ballot for the November General Election.

Councilperson Simms made a motion to direct the City Attorney to draft an ordinance to place the bus levy on the 2010 General Election, seconded by Councilperson Young.

Mayor Wood called for a voice vote. City Clerk announced the following tally. DeWitt, Haynes, Saunders, Simms, Young and Mayor Wood. 6 yeas. Motion carried unanimously.

Discussion and Approval of Recommendations by the Traffic Committee.

* Discussion of Request to Place a Loading Zone on Jefferson Avenue near Fifth Street across from BB&T Bank. Committee recommended to table the request until the committee receives more information.

* Discussion of the Paving Priority List. Committee recommended City Manager to meet with Engineer to explain streets being considered. Requesting Fifth Street from Tomlinson Avenue to Grant Avenue be engineered. Also, considering paving portions of Center Street from Elm Avenue to Pine Avenue and Sycamore Avenue to Highland Avenue.

* Discussion of Abandonment of Alley East of Garfield Street, North of Twelfth Street. Committee recommends the abandonment be granted per recommendation of the Street Commissioner and direct the City Attorney to draft the ordinance.

Councilperson Simms made a motion to direct the City Attorney to draft the ordinance to abandon the alley, seconded by Councilperson Haynes.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Haynes, Saunders, Simms, Young, Mayor Wood and DeWitt. 6 yeas. Motion carried unanimously.

* Request to Extend the Handicapped Parking for the New Hope Christian Church, 416 Juniper Avenue. Committee recommends to grant the extension.

Discussion and Approval of Recommendations by the Policy Committee.

* Discussion and Review of Changes to City Code Section 171.15, Reinstatement Fee - Drivers License. Committee recommends to direct the City Attorney to draft language changes and increase amount from \$15 to \$30.

Councilperson Saunders made a motion to direct the City Attorney to draft language changes to the existing ordinance and increase the amount from \$15 to \$30, seconded by Councilperson DeWitt.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Saunders, Simms, Young, Mayor Wood, DeWitt and Haynes. 6 yeas. Motion carried unanimously.

* Discussion of MS-4 Storm Water Permit Project. Committee recommends to direct Steptoe and Johnson to create an ordinance placing the storm water management board under the Sanitary Board's control.

Councilperson Simms made a motion to direct Steptoe & Johnson to create an ordinance placing the storm water management board under the Sanitary Board's control, seconded by Councilperson Saunders.

Mayor Wood called for a voice vote. City Clerk announced the following tally. Simms, Young, Mayor Wood, DeWitt, Haynes and Saunders. 6 yeas. Motion carried unanimously.

COUNCIL ITEMS:

* **Young** - Receiving complaints of pot holes all over town.

* Commends the city for working on the alleys.

* Thank all the employees for all their work.

* **Simms** - Asked why the Dura-Patcher leaves so much gravel on the street. Street Foreman

Stocklask explained the gravel gets wet and plugs up the dura-patcher, then shoots excessive amounts of gravel.

* **Haynes** - Reported trees hanging into street at Campground Road and Locust Avenue.

- * Reported sidewalk needs repaired on First Street in front McCabe's old garage.
- * Reported a business in the old whip factory at Park Street & Linden Avenue. People are there working on and painting vehicles at night.
- * Requested gravel on Simpson Avenue and Cemetery Road.
- * **Saunders** - Updated council on the Skateboard Project reporting the youth group is planning a tag day in March & July. The club also met with contractors regarding the skateboard park. Numerous letters were sent requesting grants and sponsors.
- * Requested gravel in alley between Olive & Mulberry Avenue.
- * **DeWitt** - Reported pot holes on McConnell Drive.
- * Reported the city's web page needs updated.
- * Commented on the street sweeper pick up some of the gravel on the streets.

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

Meeting adjourned at 8:17 p.m.

Sondra J. Hewitt, City Clerk

David Wood, Mayor