

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **JUNE 16, 2009**

3
4 The Council of the City of Moundsville met in regular session in the Council Chambers on June
5 16, 2009 at 7:00 p.m.

6
7 Meeting was called to order by Mayor David Wood.

8
9 Invocation by the Councilperson Mark Simms.

10
11 Acting City Clerk Ankrom called the roll and the following councilpersons were in attendance:
12 DeWitt, Haynes, Saunders, Simms, Wallace, Young and Mayor Wood. Also present: City
13 Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Working Foreman Stocklask,
14 CPA Kathryn Goddard, City Attorney Thomas White, and Acting Clerk Ankrom. Absent was
15 Building Inspector Wise (vacation), Street Commission Richmond (sick), and City Clerk Hewitt
16 (vacation).

17
18 **MINUTES:**

19
20 **Regular Council Meeting of June 2, 2009.**

21
22 Mayor Wood noted that the minutes are from the June 2 meeting, not June 16. Councilperson
23 Haynes made the motion to accept and approve minutes of the regular council meeting of June 2,
24 2009, seconded by Councilperson Saunders. Motion carried unanimously.

25
26
27
28 **GENERAL PUBLIC HEARING:**

29
30 Mayor Wood reminded all those present to please turn off all cell phones and beepers.

31
32 * Carmina Oakland, 29 Fostoria Avenue, stated that the insurance adjuster had not been in
33 contact with her yet. Manager Hendershot noted that claim had been submitted.

34
35 Noticed that culvert work on Fostoria Avenue appears to be stalled. Manager Hendershot
36 explained that clog has been cleared and work will finish when weather has cleared; but there is
37 a question about property ownership.

38
39 Foreman Stocklask stated that he visited with her son today, but he was not happy with the pipe
40 chosen. The Street Department will continue to work with them.

41
42 * David White, 406 Clinton Avenue, noted that two drains at 4th and Cedar appear uneven and
43 cause overflow during heavy rains. Manager Hendershot stated that they will be looked at.
44 Noticed that grass has been cut on one 4th Street house, but other residence is still an issue;
45 Manager Hendershot does not have an update at this time.

1 * George Kachalo, 46 Fostoria Avenue, addressed property line issue, a surveyor stake that was
2 removed, vehicles left running near his residence, harassment toward him by his neighbor, and
3 water that had to be removed from his basement.

4
5 * Brad Varlas, 1107 12th Street, requested update on sidewalk project. Manager Hendershot
6 explained that some drawing corrections have been made and re-submitted, and work should
7 start this summer.

8
9 Asked that something be done with Pearl Street, from Garfield to Parriott. If not paved, potholes
10 need to be addressed.

11
12 **Presentation from the Moundsville Volunteer Fire Department to Moundsville Police Lt.**
13 **Murray & Glen Dale Police Patrolman Whitelatch**

14
15 This presentation is carried over to a later meeting, when all parties involved can be present.

16
17 **Appealed Decision of B&O Taxes for Moundsville Auto Choice**

18
19 Attorney White explained that the appellant requested this issue be heard later but did not set a
20 specific date. Attorney White explained that Auto Choice has requested refund of Business &
21 Occupation Taxes that they believe have been overpaid for several years. The City's Finance
22 Director, following State Code, denied a refund of all but three years worth of the overpayment.

23
24 **OLD BUSINESS:**

25
26 **Other Items to be Discussed by Council.**

27
28 * Councilperson Saunders asked about the progress at Fostoria. Manager Hendershot referred
29 Council to the letter from GAB Enterprises, explaining that cross-contamination clean up is
30 about 80% complete, and should be done by the end of July. Demolition of the administration
31 building should begin after approval from the Department of Environmental Protection.

32
33 * Councilperson Simms inquired about progress at the Simmons Apartment building. Manager
34 Hendershot explained that the owner has been working with the DEP, who is treating the site as
35 contaminated. The property owner is having the site tested for asbestos.

36
37 * Mayor Wood noted that the grass, growing through the fence on First Street side of the
38 Fostoria plant, has been cut.

39
40 * Councilperson Haynes questioned why four-wheelers are not allowed on City streets, but a
41 local resident has been seen driving a tractor through town. Manager Hendershot explained that
42 there is a significant difference between tractors and ATVs; and the tractor should have a slow-
43 moving vehicle emblem, such as the City tractors do that drive through town.

1 **NEW BUSINESS:**

2
3 **Discussion and Approval of a Resolution for the Moundsville Volunteer Fire Department**
4 **Contract.**

5
6 Councilperson Simms made the motion to approve the resolution to enter into a contract with the
7 Moundsville Volunteer Fire Department, seconded by Councilperson Haynes. Manager
8 Hendershot reminded Council that, at a previous Finance Meeting, the Volunteers offered to
9 donate a portion of the new contract amount back to the City. Mayor Wood called for a roll call
10 vote. Acting Clerk announced the following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms,
11 Wallace, Young, and Wood. Motion carried unanimously.

12
13 **Discussion and Approval of a Resolution for Leases on City Equipment.**

14
15 Manager Hendershot explained the annual lease renewal process, as required by the State
16 Auditor's Office. Councilperson Simms made the motion to approve the resolution for leases on
17 City equipment, seconded by Councilperson Saunders. Mayor Wood questioned the "Unsecured
18 LOC," which Manager Hendershot explained was a line of credit issued when Sanitation
19 Department was started. Mayor Wood called for a roll call vote. Acting Clerk announced the
20 following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms, Wallace, Young, and Wood. Motion
21 carried unanimously.

22
23 **Discussion and Approval of Computer Bids for the Police Department.**

24
25 Manager Hendershot and Chief Kudlak explained that only one bid was received for software
26 that will link the dispatch center with the mobile data terminals. This system will be paid for by
27 the \$70,000.00 technology grant from Congressman Mollohan. Neighboring cities, as well as
28 perhaps the county, may "piggy back" onto this system, as they have also received grant funds.
29 Councilperson Saunders made the motion to approve the computer bids for the Police
30 Department, seconded by Councilperson DeWitt. Mayor Wood called for a roll call vote.
31 Acting Clerk announced the following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms, Wallace,
32 Young, and Wood. Motion carried unanimously.

33
34 **Discussion and Approval of Bids for a Garbage Truck for the Sanitation Department.**

35
36 Councilperson Simms made the motion to approve the bids for a garbage truck, seconded by
37 Councilperson Saunders. Manager Hendershot requested this issue be carried over, as
38 Commissioner Richmond questions whether one of the trucks met minimum bid specifications.
39 Councilperson Saunders made a motion to table the issue until Commission Richmond can make
40 a recommendation, seconded by Councilperson Simms. Motion carried unanimously.

1 **Discussion and Approval of Paving Bids.**

2
3 Manager Hendershot explained that, because of serious damage caused by recent storms,
4 Highland Avenue was added to the list of streets to be engineered, along with Walnut Avenue
5 and Third Street. Total bid is \$168,851.63. Manager Hendershot estimates that, considering the
6 current balance and expected revenues between now and the time of invoicing, the Municipal
7 Fee Account will contain enough funds to possibly pave two of the streets. If chosen for paving,
8 drainage corrections will be made on Highland Avenue before final paving is done.
9 Councilperson Saunders made the motion to consider all three streets for paving, seconded by
10 Councilperson Simms for discussion. Discussion was held on finances available, then
11 Councilperson Simms rescinded his second of the original motion, seconded by Councilperson
12 Saunders. Councilperson Saunders then motioned to approve the bids for paving of Highland
13 Avenue, from Jackson to Second, and Walnut Avenue, from Fostoria to Ash, seconded by
14 Councilperson Simms. Mayor Wood called for a roll call vote. Acting Clerk announced the
15 following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms, Wallace, Young, and Wood. Motion
16 carried unanimously.

17
18 Manager Hendershot noted that there is no “stimulus money” available at this time; however, the
19 paving of Highland Avenue was submitted to FEMA for assistance, as damage was storm-
20 related.

21
22 **Discussion and Renewal of Employee Life Insurance.**

23
24 Manager Hendershot referred to bids received from The Schwendeman Agency comparing
25 quotes for employee life insurance. Standard Insurance, the City’s current carrier, has extended
26 their price guarantee for 36 months; however, the City is not required to lock in for that length of
27 time. Manager Hendershot also had the Schwendeman Agency investigate the stability of the
28 companies; and their recommendation is to stay with Standard. Councilperson Simms made the
29 motion to go with The Schwendeman Agency’s recommendation to stay with Standard
30 Insurance, seconded by Councilperson Haynes. Mayor Wood called for a roll call vote. Acting
31 Clerk announced the following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms, Wallace,
32 Young, and Wood. Motion carried unanimously.

33
34 **Authorization of Purchase of a Heating & Air Conditioning Unit for the Fire Department.**

35
36 Chief Clarke noted that no specifications were written, but four companies viewed the building
37 and submitted proposals for a new heating and air conditioning unit for the Fire Department.
38 Chief Clarke recommends going with Haynes Heating and Air Conditioning. Although their bid
39 of \$4,920.00 was higher than Mountain Aire’s bid of \$4,802.00, the Haynes model offered more
40 BTUH, making it more “cost effective.” Councilperson Simms made the motion to purchase a
41 heating and air conditioning unit, for the Fire Department, from Haynes Heating and Air
42 Conditioning, seconded by Councilperson Saunders. Mayor Wood called for a roll call vote.
43 Acting Clerk announced the following tally: 7 yeas; DeWitt, Haynes, Saunders, Simms, Wallace,
44 Young, and Wood. Motion carried unanimously.

1 **Appointment to the Moundsville Library Board.**

2
3 Manager Hendershot noted that the Library Board expressed interest in the reappointment of
4 David Dalzell Jr, whose term expires July 1, 2009. Mr Dalzell has been a member for many
5 years. Letter of request was also received from Jane Klug. Mayor Wood made the motion to
6 reappoint David Dalzell to the Library Board, seconded by Councilperson DeWitt. Motion
7 carried unanimously.

8
9 **Other Items to be Discussed by Council**

10
11 Councilperson Simms questioned whether WV State Code sets term limits for members of
12 Recreation Boards. Attorney White will have to research but is under the impression that there
13 are no term limits. Councilperson Simms then questioned how much authority individual
14 members of the Board of Parks and Recreation have over recreation department employees.
15 Manager Hendershot and Attorney White explained that Board members do have more “leeway”
16 in regard to personnel issues than Council members, who are governed by the City Charter. The
17 City Manager does have the authority to hire and fire Recreation Board employees, which is
18 legal by State Code and allowed by City policy; and City Council oversees the Recreation Board
19 budget, but cannot restrict how the money is spent. Discussion was held on recent actions by the
20 Recreation Board, which may not be wise but are legal, according to the policy. Manager
21 Hendershot suggested having Recreation Board members attend the next Finance Meeting to
22 discuss concerns. Councilperson Saunders intends to address specific issues at the next Board
23 meeting on Thursday, June 18, and will report back to Council.

24
25 **MANAGER ITEMS:**

26
27 **Youth Club Request for Letter of Support**

28
29 Manager Hendershot received a request, from the Youth Club of Marshall County, for a letter of
30 support. Cindy Nicholson also submitted a letter referring to Sanford Elementary that Council
31 members can read at their leisure. Councilperson DeWitt made the motion to direct the City
32 Manager to send a letter of support to the Youth Club of Marshall County, seconded by
33 Councilperson Saunders. Motion carried unanimously.

34
35 **Moundsville Sanitary Board Resolution**

36
37 Manager Hendershot stated that the Moundsville Sanitary Board passed a resolution on Monday
38 evening authorizing the request for City Council to pass an ordinance for a Sanitary Board rate
39 increase. Manager Hendershot requested a Special Finance Meeting next week to further discuss
40 the rate increase and will contact the Sanitary Board’s attorney to see if he will be available to
41 answer questions. The total project cost is \$3.5 million, which does not include an increase for
42 plant O&M, only special projects, such as primary digester lid replacement and the 7th Street line
43 repair. Council members agreed to meet June 23rd at 5:00 PM for a Special Finance meeting.

1 **Mound City Bass Masters Request for Advertising Dollars**

2
3 Manager Hendershot received a request from the Mound City Bass Masters asking for
4 advertising dollars. Council members agreed to deny the request.
5

6 **Best Family Commendation Letter**

7
8 The Best Family of 206 Cypress Avenue sent a letter commending all responders to the
9 Simmons Apartment Building fire. Councilperson Simms made a motion to receive and file the
10 letter, seconded by Councilperson Haynes. Motion carried unanimously.
11

12 **Update from GAB Enterprises LLC**

13
14 Manager Hendershot again noted the update letter from GAB Enterprises on progress at the
15 Fostoria site. Manager Hendershot explained that Patrick Kirby of WVU was extremely helpful
16 in submitting a “second-round” of paperwork pertaining to the recently-awarded grant. An
17 extension for submitting the paperwork was requested but notification of extension denial was
18 not sent until the day before it was originally due. BelOMar was not able to assist with the
19 filing, but will be administering the funds. Mayor Wood suggested sending a letter of
20 appreciation to Mr. Kirby.
21

22 **Receive and File Legal Publications**

23
24 Councilperson Simms made a motion to receive and file the seven legal publications being held
25 by Attorney White, seconded by Councilperson DeWitt. Motion carried. Legal publications are
26 as follows:

27	Notice of Property Condemnation to Mr. James Webber	
28	Sealed Bids for Street Improvements	City vs Michelle Switzer
29	Sealed Bids for Computer Software Vendor	1500 2 nd Street Zoning Change
30	Sealed Bids for Rear Loading Refuse Truck	24 Jefferson Avenue Zoning Change

31
32 **Lionsgate Films**

33
34 Manager Hendershot noted that Lionsgate Films will be filming scenes inside the Moundsville
35 Prison on June 23 and 24.
36

37 **Business After Hours**

38
39 Manager Hendershot announced the Business After Hours at Grand Vue Park on Thursday, June
40 18.
41

42 **John Marshall Monarch Football Advertising Request**

43
44 Manager Hendershot received a request for advertising dollars from the Monarch Football
45 program. Request was denied.
46

1 **Letter of Resignation from Mr Whorton from Fire Civil Service Board**

2
3 Mr. Bert Whorton has moved out of Moundsville, therefore, he is no longer eligible to serve on
4 the Fire Civil Service Board. The Fire Department will inform Council when they appoint a new
5 member to serve the unexpired term.

6
7 **PRO Officer Grant Possibility**

8
9 Manager Hendershot passed around a letter explaining the possibility of receiving \$31,000.00 for
10 the PRO program.

11
12 **MAYOR ITEMS:**

13
14 * Mayor Wood reminded members of the WV Municipal League meeting August 6-8, 2009.
15 Those wishing to attend should notify City Clerk Hewitt or Secretary Kaufman.

16
17 * Mayor Wood questioned 30-day waiting period for Zone Change, as it applies to the change
18 for Grant Avenue and 1st Street, which was approved on First Reading. Manager Hendershot and
19 Attorney White agreed that this notice period meets State law.

20
21 * Mayor Wood informed that not all motorists are stopping for the flashing red lights at 5th Street
22 and Jefferson Avenue. Chief Kudlak mentioned the "Target Red" grant that will pay overtime
23 wages for officers enforcing stop sign and red light violations. Moundsville is one of only three
24 Northern Panhandle cities participating in this pilot program.

25
26 * Mayor Wood asked Chief Kudlak about the request for additional monies for officers. Chief
27 Kudlak stated that no decision will be made until the end of September.

28
29 **COMMITTEE REPORTS:**

30
31 **Discussion and Approval of Recommendations by the Finance Committee.**

32
33 Councilperson Wallace reported that no action was taken on the discussion of funding a position
34 of Director for Community Center. This item will be placed back on the agenda when estimated
35 costs have been received from McKinley & Associates. Manager Hendershot noted that utility
36 costs are estimated to be less than originally anticipated; however, a full package will be put
37 together with information from McKinley. Manager Hendershot reminded members of a tour of
38 Sanford Elementary scheduled for Wednesday at 1:00 PM. Mayor Wood noted an email
39 received by Councilperson DeWitt from Kenny Rhodes, Maintenance Supervisor, by way Lloyd
40 Earnest, who handles energy conservation. Mayor Wood read the listed average utility costs,
41 which would be about \$2,300.00 per month.

42
43
44 Councilperson Wallace noted that no presentation was given by the Upper Ohio Valley Port
45 Authority, but will be rescheduled when gentleman is available.
46

1 Councilperson Wallace mentioned the discussion of the May 2009 monthly financial statements.
2 There is a small surplus due to a “windfall” utility tax and tightened spending. CPA Goddard
3 offered no projection for the end of June.
4

5 Councilperson Wallace made a motion to donate \$2,500.00, from Hotel/Motel Tax revenue, to
6 help fund the Tourism Director position. Motion seconded by Councilperson Simms. Manager
7 Hendershot explained that the County and MEDC, as well as other local municipalities, are also
8 helping fund this position. Mayor Wood called for a roll call vote. Acting Clerk announced the
9 following tally: 7 yeas; DeWitt, Saunders, Haynes, Young, Wallace, Simms, and Wood. Motion
10 carried unanimously.
11

12 Councilperson Wallace reported that no action was taken on street sweeper purchase, as final
13 numbers are not available at this time, and trade-in values are still being investigated.
14

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

16

17 Councilperson Simms reported that the curb painting request at 209 Sandy Avenue will be
18 reviewed and brought up at a later time.
19

20 Councilperson Simms stated that Chief Kudlak is still working on the handicap parking criteria.
21

22 Councilperson Simms noted that two handicap parking requests, for 1821 3rd Street and 66 Oak
23 Avenue, were denied.
24

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

26

27 Mayor Wood noted that the City goals will be formalized at an upcoming meeting, then
28 distributed to Council members and Department Heads.
29

30 Councilperson Saunders made a motion to direct the City Attorney to draft an ordinance
31 regarding Employees’ Compensatory Time Off policy, seconded by Councilperson DeWitt.
32 Motion carried unanimously.
33

34 Councilperson Saunders made a motion to approve the draft Resolution outlining guidelines for
35 document production, seconded by Councilperson Haynes. Attorney White read the following
36 resolution by title only: **A Resolution of the Council of the City of Moundsville, West**
37 **Virginia, Establishing and Adopting Reimbursement Costs for Reproduction of Public**
38 **Records (First and Only Reading)** Attorney White explained that this resolution was modeled
39 after the City of Glen Dale’s policy. Motion carried unanimously.
40

41 Mayor Wood and Councilperson Saunders noted a recommendation to make the eligibility time
42 period for insurance benefits a standard of 90 days throughout the Employees’ Policy
43 Regulations. Councilperson Simms made the motion to direct the City Attorney to draft an
44 ordinance for clarification of the eligibility time period as it relates to health insurance benefits,
45 seconded by Councilperson Saunders. Motion carried unanimously.
46

1 **COUNCIL ITEMS:**

2
3 * **Young** - Asked Chief Clarke about doors that were going to be installed for the Fire Hall.
4 Chief Clarke explained that the State Grant has been approved but permission to actually spend
5 the money has not been received.

6
7 * Questioned whether there are grants available to upgrade the front office technology. Manager
8 Hendershot explained that most Federal money is once again being directed to Police and Fire
9 Departments. Another building grant will be applied for soon.

10
11 * **Wallace** - Wished everyone a "Happy Fathers' Day!"

12
13 * **Simms** - Nothing at this time.

14
15 * **Haynes** - Asked about issue on Forest Street. Manager Hendershot explained that an
16 agreement has been signed and damage caused by heavy trucks will be corrected when job is
17 complete.

18
19 * **DeWitt** - Mentioned the sink hole at 7th Street and Ash Avenue.

20
21 * Noted that there are broken curb pieces laying in the street at 1109 9th Street.

22
23 * Asked that publication be made reminding residents that yard/garage sale signs are not to be
24 posted on utility poles. Hugh Anderson, of the *Moundsville Daily Echo*, will publish a notice.
25 Chief Kudlak mentioned that, when they have time, officers have been pulling posters off,
26 visiting the sales, and reminding residents that it is prohibited.

27
28 * **Saunders** - Questioned whether commercial buildings are allowed to be used for storage and
29 the utility service requirements.

30
31 * Asked about Purchasing Card. Acting Clerk Ankrom noted that the credit card had been
32 received, but she and Office Supervisor Hess have yet to be trained on the software, which will
33 try to be scheduled for sometime in July.

34
35 * Is happy to report that older houses are getting cleaned up. Manager Hendershot needs to
36 clarify one 4th Street address with him.

37
38 * Thanked the Street Department for handling the guardrail and thanked Chief Clarke for his
39 assistance.

40
41 Councilperson Saunders made a motion to adjourn, seconded by Councilperson DeWitt. Motion
42 carried unanimously.

43
44 Meeting adjourned at 8:24 p.m.

45
46 _____
Karen L. Ankrom, Acting City Clerk

David Wood, Mayor