

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
OCTOBER 6, 2009**

The Council of the City of Moundsville met in regular session in the Council Chambers on October 6, 2009 at 7:00 p.m.

Meeting was called to order by Mayor David Wood.

Invocation by City Manager Hendershot.

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

Mayor Wood introduced and welcomed Boy Scout Troop #79 and Leader David Dalzell who will be joining the audience at this weeks council meeting.

MINUTES:

Regular Council Meeting of September 15, 2009.

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of September 15, 2009, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Brenda Purdy, 1404 Third Street, asked if any one has contacted Ralph Taylor about his property on Third Street. The grass still needs cut and the trash has been moved from the front yard to the back yard.

Fire Chief Clarke reported that he can not locate Mr. Taylor. City Manager Hendershot said that criminal complaints will be issued on Mr. Taylor's properties.

* Allen Dennis Yoho, 1104½ Fifth Street, reported his neighbor is still placing items outside the dumpster in the rear of 401 Grant Avenue.

City Manager Hendershot informed Mr. Yoho that any debris left outside the dumpster needs to be reported.

* Carl Boso, 305 10th Street, complained if Councilperson Saunders has a problem with him or his business, he needs to tell him about it instead of bringing it before council.

City Manager Hendershot told Mr. Boso when council receives complaints, they are suppose to bring the matters before council. The complaint will be investigated and if the complaint is

1 found to be legitimate further steps will be taken to correct the problem.

2
3 * Mary Ann Yoho, 1104½ Fifth Street, does not want a dumpster located in the rear of 401 Grant
4 Avenue any longer. She asked if the residents were paying for each dump or by weight. And if
5 the residents were paying B&O Taxes. Manager Hendershot advised that Mr. Hewitt will call
6 when he is ready to have the dumpster dumped and he does not have to pay B&O Tax because
7 he does not have a business.

8
9 **OLD BUSINESS:**

10
11 * Councilperson DeWitt asked Manager Hendershot to check the dips in the street on Grant
12 Avenue between 7th & 8th Street. Manager Hendershot reported that cameras were ran through
13 the deep line by the Sanitary Board and found two places that were bad. The areas were
14 repaired, filled and are waiting for the ground to settle.

15
16 * Councilperson Young asked about the vacant house at 7th Street & Magnolia Avenue. Fire
17 Chief Clarke reported the owner obtained a permit for demolition.

18
19 * Councilperson Wallace asked about the sink hole in the 300 block of Ninth Street. Street
20 Commissioner Richmond reported running the camera through the area and found the storm
21 sewer has collapsed. They will have to dig the area up and repair the line.

22
23 * Councilperson Saunders asked that a request for a street light at 706 Myrtle Avenue be placed
24 on the Traffic agenda.

25
26 * Councilperson DeWitt asked if Manager Hendershot spoke to Klug's about raising the man
27 holes on Garfield Street. Manager Hendershot will notify Klug's.

28
29 * Manager Hendershot reported that Klug's paved the dip at 7th & Tomlinson Avenue paid for by
30 the Sanitary Board.

31
32 * Councilperson DeWitt asked for the curbs to be painted yellow further back at 8th & Jefferson
33 Avenue and 8th & Washington Avenue.

34
35 **NEW BUSINESS:**

36
37 **Discussion of Time & Date for Trick or Treat.**

38
39 Councilperson Simms made a motion to hold Trick or Treat in the City of Moundsville on
40 Saturday, October 31, 2009 from 6:00 to 7:30 p.m., seconded by Councilperson Haynes. Motion
41 carried unanimously.

42
43 **Discussion of Lease Agreement with Moundsville Rifle and Pistol Club for the Old**
44 **Landfill. (Lease expires 10/01/2009)**

45
46 Councilperson Saunders moved to renew the lease agreement with the Moundsville Rifle &

1 Pistol Club for a ten (10) year period, seconded by Councilperson Simms.

2
3 Mayor Wood called for a voice vote. City Clerk announced the following tally. DeWitt,
4 Haynes, Saunders, Simms, Wallace, Young and Mayor Wood. 7 yeas. Motion carried
5 unanimously.

6
7 Councilperson Simms moved to amend the lease agreement by adding a section stating that rifle
8 club members are to cease firing when a city official is on the premises to inspect or test the
9 ground, seconded by Councilperson Haynes.

10
11 Mayor Wood called for a voice vote. City Clerk announced the following tally. Haynes,
12 Saunders, Simms, Wallace, Young, Mayor Wood and DeWitt. 7 yeas. Motion carried
13 unanimously.

14
15 Councilperson Simms made a motion to approve the lease agreement with the Moundsville Rifle
16 & Pistol Club with amendments, seconded by Councilperson Young. Motion carried
17 unanimously.

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

20
21 * Councilperson Saunders asked Attorney White if he had drafted the Fostoria deed for Mr.
22 Games? Attorney White informed council that he has not drafted the deed yet, but will do so.

23
24 * Councilperson Young requested permission from fellow council members to seek grants to
25 help off set costs of a records system in the Clerk's Office. He also suggested hiring a shredding
26 company to go on site to shred official documents no longer needed in the office.

27
28 Mayor Wood asked that information be provided to council members at the Finance Committee
29 meeting.

30
31 **MANAGER ITEMS:**

32
33 **WV DEP Right of Entry Agreement.**

34
35 Manager Hendershot entered into an agreement on September 28, 2009 with WV DEP for
36 abandoned mine drilling on Poplar Avenue.

37
38 **CGI Communications.**

39
40 Manager Hendershot announced CGI Communications has proposed a no cost video showcase
41 program consisting of filming for the City of Moundsville and placing on our website. The cost
42 is incurred by private companies that advertise on these site. This item will be placed on the
43 Finance Committee agenda.

1 **Ribbon Cutting at Hilltop Elementary School.**

2
3 Manager Hendershot announced that council are invited to a ribbon cutting at the new Hilltop
4 Elementary School in Sherrard on Thursday October 8, 2009 at 4:00 p.m.

5
6 **Collective Bargaining for Public Service Employees.**

7
8 Manager Hendershot will be attending a training for Collective Bargaining for Public Service
9 Employees in Flatwoods WV on November 3, 2009 same date as the regular council meeting.

10
11 Councilperson Simms made a motion to change the regular council meeting from November 3,
12 2009 to November 2, 2009, seconded by Councilperson Saunders. Manager Hendershot
13 suggested moving the council meeting to November 4, 2009.

14
15 Councilperson Simms amended his motion to Wednesday, November 4, 2009, seconded by
16 Councilperson Saunders. Motion carried unanimously.

17
18 **Business After Hours.**

19
20 Marshall County Chamber of Commerce Business After Hours will be on Thursday, October 15,
21 2009 at the Mound View Health Care from 5:00 to 7:00 p.m.

22
23 **John Marshall Boosters Donation.**

24
25 The John Marshall Boosters requested a donation for banner sponsor for the 2009-2010 season.
26 Council asked Manager Hendershot to send John Marshall Basketball Boosters a letter
27 explaining the city's financial restraints.

28
29 **City of Moundsville Floodplain Ordinance - FEMA.**

30
31 The US Department of Homeland Security was pleased to inform the City of Moundsville the
32 WV Flood Plain Management Ordinance was now in compliance with the National Flood
33 Insurance Program.

34
35 **Street Paving.**

36
37 Klug Brothers have taken care of Seventh Street and will start paving Third Street on
38 Wednesday. The Sanitary Board patched Seventh Street. They are also working on Grant
39 Avenue between Seventh Street to Eighth Street.

40
41 **12th Street Sidewalk Project.**

42
43 The Twelfth Street sidewalk project will be put out for bid. The project amount is \$64,000 with
44 \$16,000 match.

1 **MS4 Training.**

2
3 Manager Hendershot will be attending MS4 Training in Charleston on October 26, 2009.
4 Council has not taken any action on the City of Moundsville's MS4. One option is to take no
5 action and leave it under the responsibility of the Street Department to handle storm water
6 permits. Another option is to place the responsibility under the Sanitary Board. Or the city can
7 create a Storm Water Management Board which will allow the city to charge fees to work on the
8 storm system. One of the benefits of creating a board is that the city can charge any one outside
9 the city a fee to handle their storm water.

10
11 **Surplus Equipment Sale.**

12
13 Manager Hendershot and Street Commissioner Richmond went to Buckhannon to look at surplus
14 equipment. A Model P Stainless Steel Salt Spreader for \$3500; a 2000 1 ton 6 speed Dump
15 Truck Diesel & Stainless Steel Spreader for \$10,000; a 1987 Massy Ferguson 4 cylinder Diesel
16 Tractor w/ attached short boom mower & extra long boom mower for \$10,000. Street
17 Commissioner Richmond spoke to an individual at the sale who is willing to give the city the
18 \$3500 salt spreader if they buy the dump truck.

19
20 Councilperson DeWitt asked where the funding will come from. Manager Hendershot funding
21 could come from various accounts but the items are not budgeted. Manager Hendershot asked
22 for this item to be sent to the Finance Committee for further discussion.

23
24 **MAYOR ITEMS:**

25
26 * Mayor Wood announced that Councilperson Haynes & Councilperson DeWitt are pictured in
27 the WV Municipal League Summer Conference in August.

28
29 * Mayor Wood received a card from Retta Wayne thanking the Street Department for fixing her
30 alley.

31
32 * Mayor Wood reported the annual Chamber Dinner was well attended. The City of
33 Moundsville had several members attending.

34
35 * Mayor Wood asked for an update on Fostoria. Manager Hendershot has a meeting scheduled
36 on Wednesday with Scott Hicks of Belomar and Patrick of WV Brownsfield Assistance Office to
37 update everyone on the status of the grant. The insurance was contacted concerning the building
38 that was on fire and knocked down, but was informed the coverage on the building was liability.
39 Areas of the building have now been cross contaminated.

40
41 * Mayor Wood asked for an update on the Sanford Resource Center. Manager Hendershot
42 reported a meeting was held Tuesday, the board is moving forward to becoming an organization.
43 Mr. Berry of Berry, Kessler, Crutchfield, Taylor & Gordon will be helping the 501-C-3 process.

44
45 * Mayor Wood asked fellow council members if they would be interested in participating in the
46 2009 Christmas Parade.

1
2 * Mayor Wood asked for an update on the 5th & Jefferson Avenue traffic light. Manager
3 Hendershot reported the 90 day cycle will end on October 15, 2009. The poles and lights will be
4 removed and stop signs will be installed.

5
6 * Mayor Wood asked for an update on the properties on Ruby Street. Fire Chief Clarke advised
7 the owner of the property will be cleaning up the property and moving the trailers. Mayor Wood
8 asked Building Inspector Wise since the new Floodplain ordinance, will trailer be permitted back
9 on that property. Mr. Wise stated only if they were are elevated as the ordinance states.

10
11 Mayor Wood asked Chief Kudlak about criminal complaints filed on the property owners. Chief
12 Kudlak reported the criminal complaint is a summons to appear in municipal court.

13
14 * Mayor Wood asked Manager Hendershot if the city ever found the water leak on First Street?
15 Manager Hendershot reported he was there earlier and found that DOH dug a huge hole but they
16 have not been able to isolate where the water is coming from.

17
18 **COMMITTEE REPORTS:**

19
20 **Discussion and Approval of Recommendations by the Finance Committee.**

21
22 Councilperson Wallace scheduled a finance meeting on Tuesday, October 13, 2009 at 5:00 p.m.

23
24 **Discussion and Approval of Recommendations by the Traffic Committee.**

25
26 Councilperson Simms scheduled a traffic meeting following the finance meeting.

27
28 **Discussion and Approval of Recommendations by the Policy Committee.**

29
30 Mayor Wood scheduled a policy meeting following the traffic meeting.

31
32 **COUNCIL ITEMS:**

33
34 * **Young** - Asked for the city to notify the owner of the Convenient Mart at Second Street &
35 Grant Avenue to cut the grass & clean up the building.

36
37 * Wished to thank all the fire fighters who worked on the Fostoria building. Also, wished to
38 thank Officer Sayman for the crowd & traffic control.

39
40 * Requested alley be fixed near 4th Street & Parriott Avenue that keeps washing out.

41
42 * Wished to thank all the employees for the work they do.

43
44 **DeWitt** - Asked Fire Chief Clarke if the address at 1501 Eighth Street is correct. Chief Clarke
45 stated the property is located at 1501 Fourth Street.

46

1 * Asked how often does the Building Enforcement Agency meet and who is on the committee?
2 Chief Clarke said when Building Inspector Wise gathers enough properties together to meet on.
3 The individuals on the committee are Chief Clarke, Building Inspector Wise, Mayor, Health
4 Department official and Jeff Yeater.

5
6 * **Saunders** - Is there anything that council can do to have the owner keep the grass/weeds cut in
7 the area by Wood Fitness, the Car Wash and Auto Zone? Street Commissioner Richmond gave
8 Mr. Saunders the names & phone number of the owner.

9
10 * Wished to commend the Fire Department during the Fostoria fire.

11
12 * Wished to commend Officer Sayman for crowd control.

13
14 * **Haynes** - Reported street light out at 54 Stewart Street #163-3-54.

15
16 * **Simms** - Asked Street Commissioner Richmond if they were going to fill behind the curb
17 installed on Locust Avenue? Mr. Richmond will wait to see what the homeowner wants to do.

18
19 * **Wallace** - Asked Street Commissioner Richmond how the city stand with their salt situation
20 for the winter? Mr. Richmond reported having 80-85 ton of mix product ready and he is trying
21 hard to locate salt. Normal winter the city will use approximately 100-150 ton.

22
23 Manager Hendershot hopes to be able to build the Street Department their own salt shed using
24 one of the grants obtained by Delegate Varner.

25
26 * Asked who was responsible for trees hanging over the street. Manager Hendershot advised the
27 city's ordinance requires trees to be trimmed a certain height and when they are low hanging
28 trees, they are the responsibility of the Police Department.

29
30 Councilperson Wallace moved to go into an executive session for legal matters after a 5 minute
31 recess, seconded by Councilperson DeWitt. Motion carried unanimously.

32
33 Meeting recessed at 8:10 p.m.

34
35 Executive Session began at 8:15 p.m.

36
37 Executive Session recessed at 8:35 p.m.

38
39 Regular meeting reconvened at 8:35 p.m.

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

43 Meeting adjourned at 8:36 p.m.

44
45
46 _____
Sondra J Hewitt, City Clerk

David Wood, Mayor