

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**  
2 **JULY 6, 2010**

3  
4 The Council of the City of Moundsville met in regular session in the Council Chambers on July  
5 6, 2010 at 7:00 p.m.

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

8  
9 Invocation was given by City Manager Hendershot.

10  
11 City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt,  
12 Haynes, Saunders, Simms, Wallace, Young and Mayor Wood. Also present: City Manager  
13 Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, CPA  
14 Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt. Absent: Building Inspector  
15 Mercer.

16  
17 **MINUTES:**

18  
19 **Regular Council Meeting of June 15, 2010.**

20  
21 Councilperson Haynes made a motion to accept and approve the minutes of the regular council  
22 meeting of June 15, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

23  
24 **PRESENTATION:**

25  
26 **Presentation for Jim Woods, Retired Superintendent of the Moundsville Water Board.**

27  
28 Mayor Wood presented an appreciation plaque to Jim Woods for his 40 years of service to the  
29 Moundsville Water Department.

30  
31 **Discussion and Approval of a Resolution of the Council of the City of Moundsville, West**  
32 **Virginia, Accepting a Charitable Gift from the Philip Remke Family, in the Honor of**  
33 **Christopher Remke, and Accepting Dedication of Said Funds for Public Use Limited to**  
34 **Certain Restrictions for Upgrade, Maintenance, and Beautification of the Jefferson Avenue**  
35 **Business District in the City of Moundsville.**

36  
37 Phil Remke and his family presented council with a check in the amount of \$41,117.03 to be  
38 used in the beautification of Jefferson Avenue business district. Mr. Remke also presented  
39 council with a signed agreement by other Jefferson Avenue business owners committing to \$25  
40 per month toward the Christopher Remke fund.

41  
42 After Attorney White read the resolution, Councilperson Saunders made a motion to approve the  
43 resolution accepting the charitable gift, seconded by Councilperson DeWitt. Motion carried  
44 unanimously.

1 **GENERAL PUBLIC HEARING:**

2  
3 \* John Kloss, 1608 Eighth Street, opposed the Stormwater Management Ordinance and fee  
4 imposed on citizens.

5  
6 \* George Kachalo, 31 Fostoria Avenue, complained to council for opening up the alley beside his  
7 house taking part of his yard. Also he complained about the creek backing up into the yards of  
8 residents when it rains.

9  
10 \* Carl Boso, 305 10<sup>th</sup> Street, asked council if they had made a decision on whether or not  
11 Hillbilly Mud Bog has to pay B&O Tax and obtain a City Business License.

12  
13 Councilperson Young asked that the Fair Board, Hillbilly Mud Bog and Mr. Boso attend the  
14 Finance meeting where council will decide what to do.

15  
16 **OLD BUSINESS:**

17  
18 **Discussion and Approval of an Ordinance Pertaining to Stormwater Management and**  
19 **Surface Water Discharge Control. (Second Reading)**

20  
21 Attorney White read the following Stormwater Management Ordinance to be received and filed  
22 by council:

23  
24 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, AMENDING**  
25 **THE MOUNDSVILLE CITY CODE, AS THE SAME APPLIES TO STORMWATER**  
26 **MANAGEMENT AND SURFACE WATER DISCHARGE CONTROL AND**  
27 **APPLICABLE RATES AND FEES. (SECOND READING)**  
28

29 Councilperson Simms made a motion to approve the Stormwater Management ordinance,  
30 seconded by Councilperson Wallace for discussion.

31  
32 Councilperson Simms commented that city's are being fined for not implementing the  
33 Stormwater Management ordinance. The tax payer will have to pay for fines imposed on the  
34 municipality.

35  
36 Manager Hendershot commented that the MS-4 (Municipal Separate Storm Sewer System)  
37 permitting has been part of the National Pollution and Discharge Elimination System for five  
38 years. The city has already been doing this without charging any extra fees. The Sanitary Board  
39 has been lending their assistance with technical recording and the Street Department has been  
40 doing the work. The Stormwater Management ordinance is now mandatory and will be  
41 implemented January 2011.

42  
43 Mayor Wood called for a voice vote. City Clerk announced the following tally. Simms, Wallace,  
44 Young, Wood and DeWitt. 5 yeas. Saunders and Haynes nay. 2 nays. Motion carried.

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

2  
3   \* Vice Mayor Wallace asked for an update on the Fostoria Project. Manager Hendershot  
4   reported no demolition going on this week, RAZE had another job to attend to. Out of the  
5   \$200,000 abatement grant the city was able to obtain, \$140,000 will be marked for cleanup.  
6   Demolition is at the expense of RAZE and GAB.

7  
8   \* Councilperson DeWitt asked if the city has addressed the request for “City Business Only”  
9   signs for the city parking lot. Manager Hendershot noted the request will be on the agenda for  
10   the next committee meeting.

11  
12   \* Councilperson DeWitt asked Chief Kudlak if he was in the process of hiring dispatchers. Chief  
13   Kudlak commented that he is working on that.

14  
15   \* Councilperson Saunders asked when the burned house on Curtis Avenue was going to be  
16   demolished, also reported the grass needing cut on that property. Manager Hendershot  
17   commented that he can make a work request for the high grass. Chief Clarke stated that he  
18   provided Councilperson Saunders with a report that says the owner has until August 12, 2010  
19   before the permit runs out.

20  
21   \* Councilperson Saunders asked for an update on the Sanford Center. Manager Hendershot  
22   reported the group is actively looking for renters. The building has been cleaned up and the  
23   centers hopes to have volunteers help with painting on Saturday. The Center is trying to set up a  
24   music room and computer room.

25  
26   \* Councilperson Simms asked if he had received an answer on letters sent to delegates asking for  
27   matching funds for paving? Manager Hendershot said he has not received a response but noted  
28   that paving, typically is not one of the areas they can match funds.

29  
30   \* Councilperson Simms commented that the fire pension fund has saved a lot of money and have  
31   ear-marked it every where except the Fire Department. Councilperson Simms asked Chief  
32   Clarke if the Fire Department was in need of anything. Chief Clarke noted the department needs  
33   upgraded in equipment and staffing.

34  
35   Manager Hendershot commented that he and Mayor Wood have discussed and agreed that  
36   council needs department heads to tell them where funds should be used.

37  
38   \* Councilperson Simms reported the building in bad shape & high weeds in rear of 345 Jefferson  
39   Avenue, which is a vacant property. And light bulbs need replaced in the city lot behind Allen’s  
40   Bootery.

41  
42   \* Councilperson Saunders asked where we stand in the purchase of a street sweeper. Manager  
43   Hendershot reported Commissioner Richmond is in the process of purchasing the new Pelican  
44   and delivery is expected in a couple of weeks.

45  
46

1 \* Mayor Wood asked for an update on the Gas Rights at Valley Fork Park. Manager Hendershot  
2 and Attorney White met with the agency that made the offer. The agency was told that council  
3 would not sign if the lease agreement included drilling on the property. The agency did not think  
4 that was an issue and were generally in agreement with allowing the City of Moundsville to enter  
5 into a contract with the original quoted price even though they could not drill on the property.  
6 The agency will have to take the information back to their company for approval.

7  
8 **NEW BUSINESS:**

9  
10 **Receive and File the Resolution of the Moundsville Water Board Recommending the**  
11 **Adoption of a Municipal Water Rate Ordinance by the Moundsville City Council.**

12  
13 Mayor Wood moved to receive and file the resolution of the Moundsville Water Board  
14 recommending the adoption of a municipal Water Rate Ordinance, seconded by Councilperson  
15 Wallace for discussion.

16  
17 After some discussion of the proposed water rate increase, Mayor Wood called for a voice vote.  
18 City Clerk announced the following tally. Simms, Wallace, Mayor Wood, DeWitt voting yea.  
19 Haynes, Saunders and Young voting nay. 4 yeas, 3 nays. Motion carried.

20  
21 **Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a**  
22 **Contractual Agreement with the Division of Criminal Justice Services to Receive and**  
23 **Administer Grant Funds for a Prevention Resource Officer.**

24  
25 Councilperson Saunders made a motion to authorize the City Manager to enter into a contractual  
26 agreement with Division of Criminal Justice for a Prevention Resource Officer, seconded by  
27 Councilperson DeWitt. Motion carried unanimously.

28  
29 **Discussion and Approval of Change Order #1 for Brownfields Asbestos Abatement of the**  
30 **Former Fostoria Glass Plant.**

31  
32 Councilperson Saunders moved to approve change order #1 for the Brownfields Asbestos  
33 Abatement of the former Fostoria Glass Plant, seconded by Mayor Wood.

34  
35 Manager Hendershot explained the increase is \$34,000 which was the remainder of the grant of  
36 the grant that was left after RAZE International bid of \$107,000. The increase is based on under  
37 estimated amounts of cubic yards of debris that was on the site that had to be abated. The total  
38 has changed from 500 cubic yards to 925 cubic yards. The charge is \$80 per cubic yard an  
39 estimation from RAZE International.

40  
41 Mayor Wood called for a voice vote. City Clerk announced the following tally. Wallace, Young,  
42 Mayor Wood, DeWitt, Saunders, Simms voting yea. Haynes voting nay. 6 yeas, 1 nay. Motion  
43 carried.

**Discussion of Worker's Compensation Renewal.**

Manager Hendershot reported paying premiums to Brickstreet Insurance in the amount of \$95,303. A quote was received from Brickstreet this year in the amount of \$160,000. An increase of \$64,837. The city's broker, Commercial Insurance received a quote from Unicom in the amount of \$117,655.00, an increase of \$22,352