

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **SEPTEMBER 7, 2010**

3
4 The Council of the City of Moundsville met in regular session in the Council Chambers on
5 September 7, 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, Building Inspector Mercer, CPA Kathryn
14 Goddard and City Clerk Hewitt. Absent: Street Commissioner Richmond & Attorney Thomas
15 White.

16
17 **MINUTES:**

18
19 **Regular Council Meeting of August 24, 2010.**

20
21 Councilperson Haynes made a motion to accept and approve the minutes of the regular council
22 meeting of August 24, 2010, seconded by Councilperson Saunders. Motion carried unanimously.

23
24 **GENERAL PUBLIC HEARING:**

25
26 * Ed Anderson, 206 S Highland Avenue, provided council with aerial views of his and his
27 neighbors property and plat maps from the Marshall County Court House showing both
28 properties are in city limits. Mr. Anderson wants to know if the neighbors are right beside him,
29 why is he in the city and they outside city limits? He also commented on the problem of dogs
30 barking constantly and needs to know who to contact the city police or sheriff department.

31
32 Council members said they would look into the problem and that Chief Kudlak could help with
33 the dog barking problem.

34
35 * George Kachalo, 31 Fostoria Avenue, gave pictures to council showing the neighbors vehicle
36 blowing fumes toward his back door and the vehicles parking in his back yard.

37
38 * Dan Ritz, Moundsville NTB, presented council with a petition opposing the new construction
39 of a garage at 1206 Purdy Avenue for Auto Choice. Mr. Ritz commented that residents were
40 unable to attend the meeting.

41
42 Councilperson Wallace made a motion to receive and file the petition, seconded by
43 Councilperson Young. Motion carried unanimously.

44
45 * Bob Hunnell, 1201 Lafayette Avenue, owner of Auto Choice, announced that he was present in
46 case council members had any questions.

1
2 Councilperson Saunders asked Mr. Ritz if he know of the reasons that residents did not want this
3 new garage built at 1206 Purdy Avenue. Mr. Ritz commented that residents were concerned of
4 the drop in property value and excessive traffic.

5
6 Councilperson Saunders asked Mr. Hunnell if building this garage was a necessity. Mr. Hunnell
7 commented that GM dealerships are requiring service and sales together. The building will
8 consist of one wash bay, oil change bay and an alignment bay. Approximately 13 vehicles per
9 day.

10
11 Councilperson Wallace asked Mr. Hunnell if they were moving their business on Jefferson
12 Avenue to the new garage in question? Mr. Hunnell responded that he was moving his business
13 to Purdy Avenue.

14
15 **OLD BUSINESS:**

16
17 **Discussion and Approval of an Ordinance Pertaining to the Registration of Vacant**
18 **Buildings in the City of Moundsville. (Second Reading)**

19
20 City Manager Hendershot read the following ordinance by title only to be passed by council on
21 second reading:

22
23 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
24 **VIRGINIA, ENACTING ARTICLE 1107 OF THE MUNICIPAL CODE OF THE CITY OF**
25 **MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF AN ORDINANCE**
26 **PROVIDING FOR REGISTRATION OF VACANT BUILDINGS AND**
27 **UNINHABITABLE BUILDINGS, FEES, COLLECTION METHODS, LIENS AND**
28 **PENALTIES FOR VIOLATIONS. (SECOND READING)**

29
30 Councilperson Saunders moved to accept and approve the vacant buildings ordinance, seconded
31 by Councilperson Haynes.

32
33 Mayor Wood called for a voice vote. City Clerk announced the following tally. Haynes, Simms,
34 Wallace, Young, Mayor Wood, DeWitt and Saunders. 7 yeas. Motion carried unanimously.

35
36 **Discussion and Approval of an Ordinance Pertaining to Building Abatement and**
37 **Demolition. (Second Reading)**

38
39 City Manager Hendershot read the following ordinance by title only to be passed by council on
40 second reading:

41
42 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
43 **VIRGINIA, AMENDING AND REENACTING ARTICLE 1105 OF THE MUNICIPAL**
44 **CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE RE-ADOPTION,**
45 **WITH AMENDMENTS. OF A BUILDING NUISANCE ABATEMENT AND**
46 **DEMOLITION ORDINANCE. (SECOND READING)**

1
2 Councilperson Saunders made a motion to accept and approve the abatement ordinance,
3 seconded by Councilperson DeWitt.

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

7
8 **Discussion and Approval of an Ordinance Pertaining to Public Nuisances in the City of**
9 **Moundsville. (Second Reading)**

10
11 City Manager Hendershot read the following ordinance by title only to be passed by council on
12 second reading:

13
14 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
15 **VIRGINIA, ENACTING ARTICLE 1102 OF THE MUNICIPAL CODE OF THE CITY OF**
16 **MOUNDSVILLE TO PROHIBIT PUBLIC NUISANCES, AND PROVIDING FOR**
17 **ABATEMENT AND PENALTIES FOR VIOLATIONS. (SECOND READING)**

18
19 Councilperson Saunders made a motion to accept and approve the nuisance ordinance, seconded
20 by Councilperson Haynes.

21
22 Mayor Wood called for a voice vote. City Clerk announced the following tally. Wallace, Young,
23 Mayor Wood, DeWitt, Saunders, Haynes and Simms. 7 yeas. Motion carried unanimously.

24
25 **Discussion and Approval of an Ordinance Pertaining to Junked Motor Vehicles. (Second**
26 **Reading)**

27
28 City Manager Hendershot read the following ordinance by title only to be passed by council on
29 second reading:

30
31 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
32 **VIRGINIA, AMENDING AND REENACTING SECTION 519.01(d) OF THE**
33 **MUNICIPAL CODE OF THE CITY OF MOUNDSVILLE RELATING TO THE**
34 **DEFINITION OF A JUNKED MOTOR VEHICLE. (SECOND READING)**

35
36 Councilperson Saunders made a motion to accept and approve the junked motor vehicle
37 ordinance, seconded by Councilperson DeWitt.

38
39 Mayor Wood called for voice vote. City Clerk announced the following tally. Young, Mayor
40 Wood, DeWitt, Saunders, Haynes, Simms and Wallace. 7 yeas. Motion carried unanimously.

41
42 **Discussion and Approval of an Ordinance pertaining to Employee City Health Insurance**
43 **Coverage. (Second Reading)**

44
45 City Manager Hendershot read the following ordinance by title only to be passed by council on
46 second reading:

1
2 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
3 **VIRGINIA, AMENDING AND REENACTING A PART OF SECTION 155.06 OF THE**
4 **EMPLOYEE REGULATIONS IN THE CITY CODE OF MOUNDSVILLE TO PROVIDE**
5 **FOR OPTING OUT OF CITY HEALTH INSURANCE COVERAGE. (SECOND**
6 **READING)**

7
8 Councilperson Wallace made a motion to accept and approve the health insurance ordinance,
9 seconded by Councilperson Saunders.

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

13
14 **Other Items to be Discussed by Council.**

15
16 * Councilperson DeWitt asked if a second Building Inspector was hired yet? Manager
17 Hendershot reported not at this time, testing will be conducted this week.

18
19 * Councilperson Saunders asked if council members are going to discuss a pay raise for the
20 building inspector? Mayor Wood said he did not think anything was formally discussed.
21 Manager Hendershot commented that Mr. Mercer is starting out at the bottom rate of the job
22 classification. Councilperson Saunders wished to discuss this matter under the Finance
23 Committee.

24
25 * Councilperson DeWitt asked when paving was going to start? Manager Hendershot advised
26 that paving is on the agenda for council's approval.

27
28 * Councilperson Saunders reported the house on Curtis Avenue has been torn down.

29
30 * Councilperson Saunders asked if Tilly's Diner contacted the building inspector about the house
31 next to the restaurant? Building Inspector Mercer advised Tilly's Diner have not contacted him.

32
33 **NEW BUSINESS:**

34
35 **Discussion and Approval of a Proposed Zone Change Recommendation by the Moundville**

36
37 **Planning Commission Concerning a Zone Change from RM to CCCH at 1206 Purdy**
38 **Avenue.**

39
40 Councilperson Simms made a motion to accept the recommendation by the Moundville
41 Planning Commission, seconded by Councilperson Saunders.

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

46

1 **Discussion and Approval of a Zone Change Ordinance for 1206 Purdy Avenue from RM to**
2 **CCCH. (First Reading)**

3
4 City Manager Hendershot read the following ordinance by title only to be passed by council on
5 first reading:

6
7 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING**
8 **TO CHANGE A CERTAIN DESIGNATED AREA ON PURDY AVENUE IN THE CITY**
9 **OF MOUNDSVILLE FROM A MULTI-FAMILY RESIDENTIAL ZONE TO A**
10 **COMBINED CENTRAL BUSINESS AND HIGHWAY COMMERCIAL AND**
11 **INTEGRATED COMMERCIAL CENTERS ZONE. (FIRST READING)**

12
13 Councilperson Simms made a motion to accept and approve the zone change ordinance,
14 seconded by Councilperson DeWitt.

15
16 Mayor Wood called for a voice vote. City Clerk announced the following tally. Saunders,
17 Haynes, Simms, Wallace, Mayor Wood and DeWitt voting yea. Young voting nay. 6 yeas, 1 nay.
18 Motion carried.

19
20 **Discussion and Approval of Street Paving Bids.**

21
22 Paving Bids were received from Klug Brothers for the following streets:

23

24 Morton Avenue - Tenth Street to Eleventh Street	\$32,068.03
25 Center Street - Elm Avenue to Maple Avenue	\$33,511.60
26 Center Street - Maple Avenue to Mulberry Avenue	\$14,388.64
27 Fifth Street - Tomlinson Avenue to Grant Avenue	\$104,936.64
28	
29 Total	\$184,904.64

30
31 Councilperson Saunders made a motion to accept the street paving bids, seconded by
32 Councilperson Young.

33
34
35 Mayor Wood called for a voice vote. City Clerk announced the following tally. Haynes, Simms,
36 Wallace, Young, Mayor Wood, DeWitt and Saunders. 7 yeas. Motion carried unanimously.

37
38 Manager Hendershot reported that Klug's will be contacted to schedule fall paving weather
39 permitting.

40
41 **Other Items to be Discussed by Council.**

42
43 * Councilperson Saunders asked for an update on the Fostoria Project. Manager Hendershot
44 reported the EPA requested an update on the future use of the site. There is one small area of the
45 site that has not been abated called the "crows nest" on top of the last building on the west side
46 of the property. There has been no new information concerning the stacks.

1
2 Mayor Wood asked that Manager Hendershot schedule a tour of the site for council members.

3
4 * Councilperson Saunders asked for an update of the Sanford Center and noticed the center is
5 looking for new board of director members. Manager Hendershot reported due to scheduling,
6 two board members have resigned. October 9, 2010, open house, carnival and craft fair are
7 scheduled.

8
9 Mayor Wood suggested sending the Sanford Center a letter of support from council. Manager
10 Hendershot will draft a letter to bring back to council.

11
12 Councilperson Simms wished to thank Paul Musilli for cutting the grass at the center all summer.

13
14 * Councilperson Young reported he has been receiving complaints about the trucks hauling water
15 and traveling across city streets. Councilperson Young also commented about trucks being
16 overweight.

17
18 Manager Hendershot spoke with the Police Chief in Cameron who have purchased a set of scales
19 to weigh trucks when they travel through Cameron. According to the Chief, the scales have paid
20 for themselves.

21
22 * Councilperson Young asked for a "Porta John" at the Riverfront walking trail. Councilperson
23 Saunders will bring that request to the Parks & Recreation Board.

24
25 * Councilperson Saunders wants to make it known to the community that council has not made
26 an agreement with Chesapeake Energy or any another gas company. He does not want any
27 vehicles on the ball fields at all.

28
29 Manager Hendershot reported that he discussed with the gas company that council did not want
30 any drilling rigs on the property. It was also discussed the possibility to access the property to
31 install a pipeline across that would be buried replacing the ground back the way it was.

32
33 Manager Hendershot announced that he received another offer of interest from AB Resources at
34 \$3200 per acre and 18% at the well-head.

35
36 **MANAGER ITEMS:**

37
38 **Thank You Card.**

39
40 The City of Moundsville Street Department received a thank you card from the Grand Vue Park
41 staff for use of the street sweeper to help with the cleanup after their big concert weekend.

42
43 **Energy Efficiency and Conservation Block Grant.**

44
45 A letter was received from the Office of the Governor congratulating Moundsville on receiving
46 grants in the amount of \$52,575 through the Energy Efficiency and Conservation Block Grant

1 funded by the American Recovery and Reinvestment Act. The funds are for the replacement of
2 windows, door s and HVAC systems in the City Building.

3
4 **Ohio Valley Regional Transit Authority.**

5
6 Manager Hendershot contacted Mr. Hvizdos of the Ohio Valley Regional Transit Authority to ask
7 for a tentative schedule of bus stops if the levy should pass.

8
9 **Revitalization, Beautification of the Central Business District.**

10
11 Mr. Philip Remke has established the Revitalization, Beautification of the Central Business
12 District Board consisting of three members, Joseph Inclan, Debby Emery and Phil Remke.

13
14 Recommendations will be approved by the RBC and funding paid by the City of Moundsville
15 through the RBC account.

16
17 **Funding Requested.**

18
19 Manager Hendershot received a letter from Cali Young, Miss West Virginia 2010 asking for the
20 City of Moundsville to purchase an ad for a Steak Fry to be held at the Moundsville Volunteer
21 Fire Department to raise money for the Miss America Pageant. Council referred this item to the
22 Finance Committee.

23
24 **November 2, 2010 Regular Council Meeting.**

25
26 Manager Hendershot reported that November 2 regular council meeting will be held on General
27 Election Day. Councilperson Saunders made a motion to schedule the regular council meeting in
28 November to Wednesday November 3, seconded by Councilperson Simms. Motion carried
29 unanimously.

30
31 Councilperson Simms asked that Policy Committee discuss a section in the charter concerning
32 the attendance of council meetings in one month.

33
34 **MAYOR ITEMS:**

35
36 * Mayor Wood apologized to the council members for the outburst earlier in the General Public
37 Hearing.

38
39 * Mayor Wood reported high grass on Second Street. Also, Cedar Avenue house across alley
40 from CARE has been cut.

41
42 * Mayor Wood reported debris behind the old Convenient Store that needs cleaned up.

43
44 * Mayor Wood commented on the situation that has Mr. Kachalo upset. He suggested looking at
45 the code and using the section of noxious fumes to cite the individual allowing his vehicle to run
46 unattended while fumes go into his house. Council members asked if they could be the one to

1 file a nuisance charge against the neighbor. Manager Hendershot commented that council
2 members could file the complaint but they would have to observe the violation. Manager
3 Hendershot also commented that Mr. Kachalo needs to contact the Police Department when this
4 violation is occurring.

5
6 * Mayor Wood asked if Chief Kudlak could invite newly hired police officer, William
7 Whitelatch, to the next council meeting.

8
9 * Mayor Wood read page 3 of the Public Nuisance ordinance pertaining to “not permitting
10 gambling devices and slot machines”. Manager Hendershot reported that Attorney White used
11 the old public nuisance ordinance.

12 13 **COMMITTEE REPORTS:**

14 15 **Discussion and Approval of Recommendations by the Finance Committee.**

16
17 Councilperson Wallace scheduled a finance meeting on Tuesday, September 14, 2010 at 5:00
18 p.m.

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

21
22 Councilperson Simms scheduled a traffic meeting following the finance meeting.

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

25
26 Mayor Wood scheduled a policy meeting following the traffic meeting.

27 28 29 **COUNCIL ITEMS:**

30
31 * **Haynes** - Nothing at this time.

32
33 * **Simms** - Asked the Building Inspector if a person was working on their own home would they
34 need a permit if the amount is less than \$300. Building Inspector Mercer advised they did not
35 need a permit if less than \$300.

36
37 * **Saunders** - Reported high grass on the back of Myrtle Avenue & 7th Street. Owners are
38 Dalrymple.

39
40 * Asked if there was any more discussion on the East End property behind Curtis Avenue.
41 Manager Hendershot asked the City Engineers to survey the property.

42
43 * Reported sinking in the street at the south/west corner of Ninth Street & Grant Avenue.

44
45 * **Wallace** - Reported the fire hydrant leaking at 11th Street & Jefferson Avenue; and 10th Street at
46 Thompson Avenue.

1
2 * Reported holes need filled at 7th & Baker Avenue.
3

4 * **DeWitt** - Reported high grass in vacant lots at 8th Street & Lafayette Avenue and 9th Street &
5 Lafayette Avenue.
6

7 * **Young** - Thanked the citizens in Moundsville for bringing things to his attention.
8

9 Councilperson Young made a motion to adjourn, seconded by Councilperson Wallace. Motion
10 carried unanimously.
11

12 Meeting adjourned at 8:25 p.m.
13
14
15
16
17

18 _____
Sondra J. Hewitt, City Clerk

David Wood, Mayor