

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
APRIL 15, 2003**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on April 15, 2003 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

City Clerk called the roll and the following council persons were in attendance: DiRemigio, Haynes, Lemasters, Simms, Varlas, Ward and Wallace. Also present: City Manager Hendershot, City Attorney Tom White, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Vickers and City Clerk Hewitt. Absent: CPA Tom Dobbs.

MINUTES:

Regular Council Meeting of April 1, 2003.

Councilperson DiRemigio made a motion to accept and approve the minutes of the regular council meeting of April 1, 2003, seconded by Councilperson Varlas. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Sid Grisell, Grisell's Funeral Home, 400 Jefferson Avenue, approached council to ask their approval for a zone change ordinance for a crematorium at the funeral home.

* Don Collins, B&L Cremations Systems, Largo FL, spoke to council on the requirements of the crematorium systems.

* Mike Mathieu, General Manager for Grisell's Funeral Home, informed council on the percentage of people choosing to use cremation as compared to burial.

OLD BUSINESS:

**Discussion and Approval of an Ordinance Concerning Annexation. (Second Reading)
(Property of Charles P. Wolfe, RD5 Box 215, Moundsville)**

Attorney White read the following ordinance by title only to be passed by council on second reading:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING FOR THE ANNEXATION OF 1.371 ACRES, MORE OR

LESS, SITUATE IN WASHINGTON DISTRICT, MARSHALL COUNTY, WEST VIRGINIA. (SECOND READING)

Councilperson DiRemigio made a motion to accept the annexation ordinance, seconded by Councilperson Varlas.

Mayor Wallace called for a ballot vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning Sick Leave Benefits While on Worker's Compensation. (Second Reading)

Attorney White read the following ordinance by title only to be passed by council on second reading:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING FOR AMENDMENT OF THE EMPLOYEE POLICY OF THE CITY TO COMPLY WITH CURRENT LAW REGARDING EMPLOYEES' USE OF SICK LEAVE WHILE RECEIVING WORKERS COMPENSATION BENEFITS. (SECOND READING)

Councilperson DiRemigio made a motion to accept the above ordinance, seconded by Councilperson Lemasters.

Mayor Wallace called for a ballot vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning Family Medical Leave. (Second Reading)

Attorney White read the following ordinance by title only to be passed by council on second reading:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING FOR AMENDMENT OF THE EMPLOYEE POLICY OF THE CITY TO COMPLY WITH CURRENT LAW REGARDING FAMILY MEDICAL LEAVE. (SECOND READING)

Councilperson Varlas made a motion to accept the above ordinance, seconded by Councilperson DiRemigio.

Mayor Wallace called for a ballot vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

NEW BUSINESS:

**Discussion and Approval of an Ordinance Concerning a Zone Change for Crematoriums.
(First Reading)**

Attorney White read the following 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 ARTICLE 1369 OF THE CODE OF THE CITY OF MOUNDSVILLE PERTAINING TO USES PERMITTED IN CENTRAL BUSINESS DISTRICT ZONES BY AMENDING SECTION 1369.02 OF SAID ARTICLE TO PERMIT CREMATORIIUMS AS A PERMITTED PRINCIPAL USE IN CENTRAL BUSINESS DISTRICT ZONES. (FIRST READING)

Councilperson DiRemigio made a motion to accept the above ordinance, seconded by Councilperson Haynes.

Mayor Wallace called for a ballot vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

Public Hearing Concerning the Levy Estimate for the 2003-2004 General Fund Budget.

Mayor Wallace announced the public hearing the Levy Estimate is now open to the public, anyone wishing to address council may do so.

Mayor Wallace announced that the public hearing was now closed, nobody was present to speak on the issue.

Discussion and Approval Concerning the Levy Estimate for the 2003-2004 General Fund Budget.

Councilperson DiRemigio made a motion to accept and approve the Levy Estimate for the 2003-2004 General Fund Budget, seconded by Councilperson Simms. Motion carried unanimously.

Consideration of a Matter Involving the Purchase, Sale or Lease of Property, and Advance Construction Planning.

Councilperson DiRemigio made a motion to go into an executive session after the regular council meeting to consider a matter involving the purchase, sale or lease of property and advance construction planning, seconded by Councilperson Lemasters. Motion carried unanimously.

Approval of Poll Officials and Poll Workers for the June 3, 2003 General Municipal Election.

Councilperson Varlas made a motion to approve the poll officials and poll workers for the June 3, 2003 Municipal Election, seconded by Councilperson DiRemigio. Motion carried unanimously.

Discussion and Approval of Payment to James V. Kelsh, Esq., in the Amounts of \$2,446.30 and \$2,035.85 (Total \$4,482.15) for the New Moundsville Water Treatment Plant Project.

Councilperson Varlas made a motion to approve payment to James V. Kelsh for a total amount of \$4,482.15 for the new Moundsville Water Treatment Plant Project, seconded by Councilperson Lemasters. Motion carried unanimously. (Councilperson Varlas noted that the funds are from a loan obtained by the Water Department specifically for this project)

MANAGER ITEMS:

Hazard Mitigation Plan Agreement with Marshall County.

Manager Hendershot recommended that the City of Moundsville enter into an agreement with Marshall County for a Hazard Mitigation Plan. If the city should not choose to join the county, this cost would be expensive for the city to create a plan of their own.

Councilperson Varlas made a motion to authorize the City Manager to proceed with entering into an agreement with Marshall County, seconded by Councilperson DiRemigio. Motion carried unanimously.

Bishop Donahue Yearbook.

Manager Hendershot was asked by the Finance Committee to find out whether or not the city has donated to Bishop Donahue Yearbook in the past. Council was advised by City Manager Hendershot that the city has not donated in the past.

Prevention Resource Officer Grant.

Chief Kudlak has been actively pursuing the grant for a Prevention Resource Officer at the Moundsville Jr High School. The grant is a 75/25 match year round. During the summer the officer will be reassigned to different duties, such as covering vacations. City Manager Hendershot advised if the grant application is submitted and approved and council decides not to pursue the matter, the city does not have to fill the position. It was also discussed to ask the Marshall County Board of Education for assistance in the match.

After more discussion, Councilperson DiRemigio made a motion to authorize the Police Chief to submit

the application, seconded by Councilperson Varlas. Motion carried unanimously.

Moundsville Police Civil Service Commission - Manager's Appointment (Four Year Term)

Manager Hendershot advised that Ray Young's term expires April 25, 2003 and does not wish to continue serving on the commission. Mr. Young has served on the Moundsville Police Civil Service Commission for several years. Manager Hendershot informed council that he appointed Dale Coffield to the position.

Councilperson Varlas made a motion to send Ray Young a certificate of appreciation for his years of service to the Moundsville Police Civil Service Commission, seconded by Councilperson Lemasters. Motion carried unanimously.

Planning Commission - Manager's Appointment (Three Year Term)

Manager Hendershot advised that he received a letter from Jerry McClure stating his intent to serve another term on the Planning Commission.

Commendation Letter from West Virginia Department of Environmental Protection.

A letter was received from the U.S. Department of Environmental Protection Agency, the Department of Environmental Protection's Division of Water Resources commending the staff of the City of Moundsville Water Treatment Plant for their commitment to proper operation and maintenance of the facility.

Thank You Letters Received.

Manager Hendershot announced that a thank you letter was received from Senator Rockefeller for the letter that Moundsville sent him in appreciation for attending the Valley Rally.

Also, a letter of thanks was received from the Daugherty family.

Other Items to be Discussed by the City Manager.

Councilperson Varlas asked City Manager Hendershot if he has contacted any one concerning the one way valves for the drains on 12th Street? Manager Hendershot said that the Soil Conservation Office will have an engineer in the area that will meet with the manager to look at the project.

MAYOR ITEMS:

Approval of a Proclamation Concerning the Precincts for the June 3, 2003 Municipal General Election.

Councilperson Simms made a motion to accept the proclamation as amended, seconded by Councilperson Varlas. Motion carried unanimously.

Items to be Discussed by the Mayor.

* Mayor Wallace announced that he attended the American Legion Poppy Day and signed their proclamation.

Vacancy on I-68 Boosters Club.

Mayor Wallace made a motion to appoint Councilperson Dick Ward to the I-68 Booster Club and send a formal letter, seconded by Councilperson DiRemigio. Motion carried unanimously.

Marshall County Family Resource Network.

The Marshall County Family Resource Network and Big Brothers Big Sisters of the Northern Panhandle, Inc., will hold a Spring Carnival on Wednesday, April 30, 2003 from 5:00 p.m. to 8:00 p.m. at Grand Vue Park Shelter #1. Everyone is invited.

Governor Wise and Cabinet.

Mayor Wallace announced that he & City Manager Hendershot met with Governor Wise & most of his cabinet at Northern Community College.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. The Finance Committee recommends authorization for Moundsville Fire Department Chief Clarke to proceed with grant application from the Firefighters Assistance Grant Program.

Councilperson Haynes made a motion to proceed with the grant process, seconded by Councilperson Varlas for discussion.

Councilperson Varlas said that applying for grant money to duplicate equipment would be foolish when Moundsville could use the same equipment located at the Volunteer Fire Department when other things are needed.

City Manager Hendershot noted that the city has a fill station in the basement of the city building and still use it. The station being used at this time is basically not safe.

Mayor Wallace announced that a motion was made and seconded to authorize Fire Chief Clarke to proceed with the grant process. Motion carried unanimously.

* **DiRemigio** - Asked Street Commissioner Richmond when the emulsion will be in the for the streets. Mr. Richmond advised that it should be picked up on Friday.

* Asked that City Manager Hendershot send a letter to Congressman Mollahan thanking him for all the things that he has done for us and ask that he meet with council to endorse I-68.

* Since the letter in the New Register concerning the Fostoria Steering committee, council and the committee have met with the company “Big Dog” who is interested in the building.

* Mayor Wallace reminded council members of the Business After Hours sponsored by MEDC & Alexander’s on 7th on April 24, 2003 from 5-7 p.m.

* Also, commented on the levy estimate in the Moundsville Daily Echo.

* **Haynes** - Thanked council members for sending a card in memory of his sister who had recently passed away.

* Asked Manager Hendershot if paving bids have been awarded. The City Manager discussed the bids with Mark Klug.

* **Lemasters** - Asked for an update on the Building Commission. Manager Hendershot advised that we still have 5 applicants and need 2 of another party.

* Reported that 303 Morton Avenue has windows are knocked out.

* Street light out at 6th & Grant Avenue.

* Commended the employees that are cutting the grass at the parks and walking trail.

* Commended all the employees for the jobs they do.

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

* **Varlas** - Asked if Jack Schellhase has been down to look at Thorn Avenue? Manager Hendershot advised not at this time, but he should be down soon.

* **Ward** - Nothing at this time.

Councilperson Ward made a motion to go into executive session after 5 minute recess to consider a matter involving the purchase, sale or lease of property, and advance construction planning, seconded by Councilperson Varlas. Motion carried unanimously.

Meeting recessed at 7:58 p.m.

Executive Session began at 8:03 p.m.

Executive Session recessed at 9:18 p.m.

Regular Session reconvened at 9:18 p.m.

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

Meeting adjourned at 9:18 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor