

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
OCTOBER 7, 2003**

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

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson K. Mark Simms.

City Clerk Hewitt called the roll and the following council persons were in attendance: DiRemigio, Lemasters, Oiler, Simms, Trussell, Ward and Wallace. Also present: Acting City Manager Hess, Attorney Thomas White, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, CPA Tom Dobbs, Building Inspector Wise and City Clerk Hewitt. Absent: City Manager Hendershot (vac).

MINUTES:

Regular Council Meeting of September 16, 2003.

Councilperson DiRemigio made a motion accept and approve the minutes of the regular council meeting of September 16, 2003, seconded by Councilperson Ward. Motion carried unanimously.

GENERAL PUBLIC HEARING:

Pat Elias - Speaking for Mrs. Ann Seszko, 1310 Purdy Avenue.

Mrs. Pat Elias spoke to council on behalf of her mother, Ann Seszko, 1310 Purdy Avenue concerning the on going traffic problem in the alley behind Wood Health Care Clinic. Mrs. Elias asked that council conduct a speed study on the alley or install a "No Thru Traffic" sign. She also stated that vehicles enter and exit on all ends of the alley at a high rate of speed.

Police Chief Kudlak advised that he conducted a speed study in the alley with an unmarked car and found that within the 2½ hours one vehicle had entered the alley.

After further discussion, council asked Chief Kudlak to conduct another study at a different time of the day and bring matter back to council.

Mayor Wallace advised that the matter will also be brought before the Traffic Committee concerning the "No Thru Traffic" sign.

NEW BUSINESS:

Discussion and Approval of a Resolution Urging the President of the United States to Continue Favorable Tariffs to Protect the Domestic Steel Industry.

Councilperson DiRemigio made a motion to accept and approve the resolution concerning favorable tariffs to protect the domestic steel industry, seconded by Councilperson Simms. Motion carried unanimously.

Discussion and Approval of an Ordinance Providing for a Zone Change at 1301 Parriott Avenue. (First Reading)

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

AN ORDINANCE OF COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING FOR A ZONING CHANGE OF A CERTAIN DESIGNATED AREA AT PARRIOTT AVENUE AND NINTH STREET IN THE CITY OF MOUNDSVILLE FROM A GENERAL RESIDENTIAL DISTRICT TO A NEIGHBORHOOD COMMERCIAL SPECIAL DISTRICT. (FIRST READING)

Councilperson Lemasters made a motion to accept and approve the above ordinance, seconded by Councilperson Simms for discussion.

Attorney White advised that the address should be 1301 Ninth Street not 1301 Parriott Avenue. The motion should include the amended address correction. Also, Mr. Taylor, owner of the property, advised council that he was going to rent out the bottom portion of the old church for offices.

Mayor Wallace called for a ballot vote. City Clerk announced the following tally. 7 yeas. Councilperson Trussell noted that she used a voice vote rather than paper ballot because of the Open Meetings Act. Motion carried unanimously.

Discussion and Approval of Payment to Stegman and Schellhase Inc for Engineering of the Moundsville Water Treatment Plant Project in the Amount of \$1,009.96.

Councilperson Simms made a motion to authorize payment to Stegman and Schellhase in the amount of \$1,009.96, seconded by Councilperson Lemasters. Motion carried unanimously.

Discussion and Approval of Payment to James V. Kelsh for Professional Services on the Moundsville Water Treatment Plant Project in the Amounts of \$1,743.53 and \$2,491.21.

Councilperson Lemasters made a motion to authorize payment to James V. Kelsh in the amounts of

\$1,742.53 and \$2,491.21, seconded by Councilperson Simms. Motion carried unanimously.

Other Items to be Discussed by Council.

Councilperson Trussell announced the reason she voted a voice vote instead of a ballot in the zone change ordinance is because while attending a conference for the Local Government Leadership the WV Ethic's Commission Open Meetings Act stresses that council can not cast a secret ballot while voting on certain matters. The Open Meetings Act also sets guidelines for business listed on the agenda.

Attorney White noted that he had presented council members with his opinion on the Open Meetings Act earlier in the year in which the city is not in compliance with and council chose not to adopt the ordinance at that time.

After further discussion, Councilperson Simms made a motion to bring this matter from the table and place on the agenda for the next regular council meeting, seconded by Councilperson Oiler. Motion carried unanimously.

MANAGER ITEMS:

Discussion and Approval for Trick or Treat in the City of Moundsville.

Councilperson Simms made a motion to hold trick or treat in the City of Moundsville on Thursday, October 30, 2003 from 6:00 p.m. to 7:30 p.m., seconded by Councilperson Trussell. Motion carried unanimously.

Chamber of Commerce Request to Waive Non Profit Vendor License.

The Marshall County Chamber of Commerce has requested that Moundsville City Council waive non profit vendors license during the 2003 Moundsville Christmas Parade. Chief Kudlak noted that vendor must still obtain the license at no charge.

Councilperson Simms made a motion to waive license fees for non profit vendors during the Christmas Parade, seconded by Councilperson Lemasters. Motion carried unanimously.

Thank You Card to City Manager, Council and Street Department.

A Thank You card was sent to the City Manager, Council and the Street Department from the Best Family and Burkhart Family on Cypress Avenue.

Councilperson Wallace made a motion to receive and file the card, seconded by Councilperson Simms.

Motion carried unanimously.

Public Service Commission of West Virginia.

The WV Public Service Commission advised they received the City of Moundsville's letter concerning the increase of natural gas in our area. The letter will be entered into the record and forwarded to Commission Staff for their review and consideration.

Thank You Card to the Moundsville Police Department and Fire Department.

Chief Kudlak received a thank you card from Deborah Campbell, 600 Eleventh Street for the help both departments provided during her house fire.

West Virginia Housing Development Fund.

The West Virginia Housing Development Fund provided a packet to the City Manager's Officer concerning an Employer Assisted Loan Program.

Council members agreed to wait for the return of City Manager Hendershot before going ahead with this program.

MAYOR ITEMS:

The Lindbergh Foundation Newsletter.

Mayor Wallace received a copy of the Lindbergh Foundation Newsletter from Thomas James which displayed an article of Charles Lindbergh landing at Langdin Field in Moundsville. The newsletter will be on display at the City Building for anyone to look at.

Mayor Wallace made a motion to receive and file the newsletter, seconded by Councilperson DiRemigio. Motion carried unanimously.

Councilperson Simms made a motion to present Thomas James with a certificate of appreciation for his efforts in making the landmark possible, seconded by Councilperson Oiler. Motion carried unanimously.

Christmas in the Park in the City of Follansbee.

Mayor Wallace read an announcement inviting Moundsville and its citizens to celebrate Christmas in the Park on October 25 & 26, 2003 from 10:00 a.m. to 5:00 p.m. at Follansbee Community Park. Invitation will be posted at the Moundsville City Building.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

A brief discussion was held on holding monthly Finance Meetings.

Discussion and Approval of Recommendations by the Traffic Committee.

Councilperson DiRemigio asked if the individual requesting a handicapped parking spot that was discussed at the last council meeting has obtained a vehicle yet? Chief Kudlak advised that he was under the understanding as soon as the applicant obtained a vehicle, she was to notify the City Manager.

Discussion and Approval of Recommendations by the Policy Committee.

Councilperson Simms advised that he would schedule a Policy Meeting and discuss the Internal Controls Manual and HIPPA when City Manager Hendershot returns.

COUNCIL ITEMS:

* **DiRemigio** - Stressed that he did not table the ordinance concerning the Open Meetings Act, it was table by council.

* Asked that council send a thank you letter to the WV Department of Highways for cleaning and reseeding the lower narrows. It enhances the entrance to Moundsville.

* Asked Chief Kudlak if the problem with vehicles tearing up property while turning into 11th & Weaver. Chief Kudlak advised that tractor trailers are having a hard time turning into the Plaza. Street Commissioner Richmond advised that "Trucks Prohibited on Side Streets" signs were ordered and will be placed in the area off of Rt. 2.

* Asked that Council members remember Bob Wilson, who has passed away recently. Mr. Wilson was an active member in the Moundsville High School and John Marshall High School Boosters, I-68 Project.

* **Lemasters** - Numerous street lights out all over Moundsville. Chief Kudlak advised that he has a list of lights that the Police Department forwards to AEP.

* The Annual Marshall County Chamber Dinner had a good turn out.

* Announced that the roof and sides have been replaced at Four Seasons Pool. They are in the

process of power blasting the pool and restrooms to prepare for painting. Also, electrical work has been done. The Water Department helped with replacing water lines.

* **Oiler** - Citizen asked to donate money for the purchase of trees at the Riverfront Park in memory of his parents. Councilperson Lemasters asked that the individual could attend a Recreation Board Meeting.

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

* **Trussell** - Announced that she had the opportunity to attend a Local Government Leadership Academy in Charleston. She thanked council for allowing her to attend the classes and hoped that other council members attend in the future.

* Apologized to Councilperson DiRemigio for saying that he tabled the ordinance when he made the motion to table the ordinance. She realized that council as a whole must agree to table matters in council.

* **Ward** - Received calls from residents concerning the sewer at the bottom of Sandy Avenue. Street Commissioner Richmond advised that the Street Department is going to put an overlay over top of the sewer.

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

Meeting adjourned at 8:05 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor