

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
APRIL 6, 2004**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on April 6, 2004 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson K. Mark Simms.

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

MINUTES:

Regular Council Meeting of March 16, 2004.

Councilperson DiRemigio made a motion to accept and approve the minutes of the regular session of March 16, 2004, seconded by Councilperson Simms . Motion carried unanimously.

RECOGNITION:

Mayor Wallace recognized Sarah Stout, who was in attendance to earn a Girl Scout badge.

GENERAL PUBLIC HEARING:

*Mrs. Dorothy Durig of 1013 Tomlinson Avenue expressed her concern over the state of disrepair of several streets in Moundsville and the need for street sweeping to be done. She doesn't believe that the current Municipal Fee rate is enough to repair streets adequately and in a timely manner. She also implored Council members to treat the sidewalks on Jefferson Avenue; and she believes that property owners in the "Business District" need to bear some responsibility in maintaining storefronts. She expressed disappointment in Council members for voting themselves a greater pay increase than the employees are receiving, and concern over the effect that WalMart, which will reportedly be built in Glen Dale, will have on Moundsville's financial future.

Mayor Wallace concurred that the current Municipal Fee does not go very far, but Council is doing the best that they can with the funds that are available. He also discussed the demographics of Moundsville's population and how that affects growth.

Commissioner Richmond stated that the street sweeper runs when the weather permits. Councilperson Simms reports that Business & Occupation Tax receipts continue to increase each year, which contradicts complaints that there are not enough businesses in the City.

Mayor Wallace and Manager Hendershot agreed that Streetscape funds are available to treat the sidewalks, but it is recommended that they only be done on a three-year cycle, and the last treatment was two years ago. He also affirms his decision to grant Council and employee pay increases with the optimistic budget that has been approved.

Discussion was held on how to make empty storefronts more appealing to prospective businesses.

OLD BUSINESS:

None.

NEW BUSINESS:

Review and Accept the 2004-2005 Water Board Budget.

Mayor Wallace reported that the Water and Sanitary Board budgets only have to be received and filed by the City; they are not submitted to the State for approval.

Councilperson Ward moved to receive and file the Water Board budget, Councilperson Lemasters seconded. Motion carried unanimously.

Review and Accept the 2004-2005 Sanitary Board Budget.

Councilperson Lemasters moved to receive and file the Sanitary Board budget, Councilperson Oiler seconded. Councilperson Simms abstained from voting. Mayor Wallace called for a roll call vote:

DiRemigio	Yea	Lemasters	Yea	Oiler	Yea
Simms	Abstained	Wallace	Yea	Ward	Yea

Roll call vote resulted in five “Yeas” and one abstention. Motion carried.

Discussion and Approval of an Ordinance Concerning Council Member’s Salary. (First Reading)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 121.07 OF THE CODE OF THE CITY OF MOUNDSVILLE, TO PROVIDE FOR AN INCREASE IN COUNCIL MEMBER’S SALARY. (FIRST READING)

Councilperson Simms moved to accept the ordinance on first reading, Lemasters seconded. Mayor

Wallace called for a ballot vote, which resulted in six “Yeas.” Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning the Water Board’s Compensation. (First Reading)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 145.05 OF THE CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR AN INCREASE IN WATER BOARD MEMBERS’ COMPENSATION. (FIRST READING)

Councilperson Lemasters moved to accept the ordinance on first reading, Councilperson Oiler seconded. Mayor Wallace called for a ballot vote, which resulted in six “Yeas.” Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning the Sanitary Board’s Compensation. (First Reading)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 143.04 OF THE CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR AN INCREASE IN SANITARY BOARD MEMBERS’ COMPENSATION. (FIRST READING)

Councilperson Lemasters moved to accept the ordinance on first reading, Councilperson Oiler seconded. Mayor Wallace called for a ballot vote, which resulted in five “Yeas”, Councilperson Simms abstained. Motion carried.

Discussion and Approval of an Ordinance Concerning Sick Leave Accrual by Employees. (First Reading)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 155.07(g)(2) OF THE EMPLOYEE POLICY REGULATIONS OF THE CODE OF THE CITY OF MOUNDSVILLE, TO PROVIDE FOR INCREASED MAXIMUM SICK LEAVE ACCRUAL BY EMPLOYEES. (FIRST READING)

Councilperson Simms moved to accept the ordinance on first reading, Councilperson Lemasters seconded. Mayor Wallace called for a ballot vote, which resulted in six “Yeas.” Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning Vacation for Employees with 25 Years of Service. (First Reading)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST

VIRGINIA, AMENDING AND REENACTING SECTION 155.07(c)(7) OF THE EMPLOYEE POLICY REGULATIONS OF THE CODE OF THE CITY OF MOUNDSVILLE, TO PROVIDE FOR INCREASED VACATION FOR EMPLOYEES WITH 25 YEARS OR MORE SERVICE. (FIRST READING)

Councilperson Lemasters moved to accept the ordinance on first reading, Councilperson Simms seconded. Mayor Wallace called for a ballot vote, which resulted in six “Yeas.” Motion carried unanimously.

Possible Lease-Purchase of New Street Sweeper.

Councilperson Simms inquired about the possibility of looking into a lease-purchase agreement for a new street sweeper but keep the Elgin for back up. City Manager Hendershot and Commissioner Richmond have looked at a “vacuum-style” which is mounted on a truck chassis rather than the “rear-steering” model that the Street Department currently uses. This model would be easier to maintain and less costly on parts, but does not have the maneuverability of the Elgin model; problems with parking schedules and traffic patterns were an issue in the past.

Jefferson Avenue Paving Grant.

Councilperson Ward questioned Manager Hendershot on the status of the grant for paving Jefferson Avenue from Seventh to Twelfth Streets. Manager Hendershot has not heard anything regarding Digest Grant requests.

MANAGER ITEMS:

Mollohan Grant for Water/Sewer Infrastructure.

City Manager Hendershot reported that the Water/Sewer Infrastructure grant that was previously issued by Congressman Mollohan to the Training Center could not be matched by the State unless the funds were under the auspices of the City. Congressman Mollohan awarded \$182,000 and the State matched with \$68,000 to provide water service, sewer overflow, and a new hydrant for the 100-bed dormitory to be built at the Training Center. Councilperson DiRemigio moved to approve the City Manager to sign the novation letter to change the grant recipient to the City of Moundsville, Councilperson Ward seconded. Motion carried unanimously.

Thank You Letter from Public Service District #4.

City Manager Hendershot received a thank you letter from PSD #4 to the Moundsville Volunteer Fire Department for their assistance with cleaning the road after a landslide.

Vacancy on Zoning Appeals Board.

City Manager Hendershot reported that Jan Pest has exhausted her term limit on the Zoning Appeals Board and no new applications have been received. The vacancy will be re-advertised.

Worker's Compensation Return-To-Work Program.

City Manager Hendershot received approval from the State Worker's Compensation for the City's Return-to-Work program, which will give the City a 3.4% premium credit for the next five years.

Police Officer Certification for Hazardous Operations.

City Manager Hendershot allowed Police Chief Kudlak explain how five City Police Officers have been training with the Fire Department to become certified in hazardous operations. Fire Chief Clarke explained how having a 10-man hazardous operations team will make the City eligible to receive certain equipment from the State, and how it will also benefit, in the long run, the entire county, including the hospital. If they are approved, it will be the first of such teams in Marshall County. City Manager Hendershot commended the two departments for cooperating so effectively.

Thank You from Cub Scouts.

City Manager Hendershot received a thank you from the Cub Scouts for participating in the "Cake Bake."

Opinion Received on Open Meetings Ordinance.

City Manager Hendershot reported that an opinion has been received from the Ethics Commission on the Open Meetings Ordinance drafted by Attorney White. Attorney White commented that the Ethics Commission disagreed only with the issue of having written ballots, which they feel trump City Charters and City ordinances. If the City remains in non-compliance, it is not immune from lawsuits filed in regard to Open Meetings Law violations. Attorney White wanted Council to understand that all governmental meetings open to the public must have an agenda published in advance and recorded minutes.

Councilperson DiRemigio moved to have Attorney White re-draft the ordinance and have it available for first reading at the next Council meeting, Councilperson Simms seconded. Motion carried unanimously.

Receipt of Emulsion Tank for Street Department.

City Manager Hendershot had Commissioner Richmond report on the status of the emulsion tank that was purchased. Commissioner Richmond hopes to have it wired up within the next week so that when the emulsion is ready to ship, the Street Department will be ready to receive it. City Manager Hendershot emphasized that this will be much more effective on potholes and the waiting period to repair them will be

less. Commissioner Richmond stated that it was a blessing to receive because cost was about one-fifth of what a new tank would cost and eventual patching costs will be reduced considerably. He also thanked Council for allowing him to obtain the equipment.

MAYOR ITEMS:

*Mayor Wallace welcomed the Troops who will be returning home on the 7th. He encouraged citizens to attend the “Welcome Home” parade scheduled for Wednesday afternoon and explained the parade route. Fire and law enforcement escorts have been arranged and the Street Department will be out early to clean the streets.

*Mayor Wallace received a letter of recognition from the West Virginia Municipal League President Lisa Dooley commending City Clerk Sondra Hewitt for her continued support during the Legislative Sessions. Mayor Wallace wanted to give some recognition to Clerk Hewitt for her “great job” and how it reflects well on the City. Councilperson Simms moved to receive and file the letter and also make it a part of Clerk Hewitt’s personnel file, Councilperson Lemasters seconded. Motion carried unanimously.

*Mayor Wallace received praise from a citizen for the Fire Department’s role in helping at the house fire on Linden Avenue. He commended Fire Chief Clarke and his men for a job well done.

*Mayor Wallace announced that a planning session will be held for Mock Riot 2004 on April 8th at 10:00 am in classroom 4 at the NCLETTTC.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Lemasters called a Finance Meeting for April 12 at 6:00 PM, with Traffic and Policy immediately following.

Discussion and Approval of Recommendations by the Traffic Committee.

Meeting to be held April 12 immediately following the Finance Committee meeting.

Discussion and Approval of Recommendations by the Policy Committee.

Meeting to be held April 12 immediately following the Traffic Committee meeting.

Discussion and Approval of Recommendations by the Parks & Recreation Board.

*Meeting to be held April 15 at 7:00 PM.

*City Manager Hendershot thanked the Fire Department for cleaning up debris around the docks, and the Street Department for cleaning brush along the new walking trail. He commended the Street Department for helping the Rec Department maintain the many recreational areas within the City. City Manager Hendershot reported that a ribbon cutting at the new trail will be announced soon.

COUNCIL ITEMS:

* **DiRemigio** - Complimented Fire Chief Clarke for the many things he has been doing to lower the City's ISO rating, which will save the citizens thousands of dollars in insurance premiums each year.

*Would like Council to send letters to Representatives, and Ohio Congressmen Strickland and Hayes, in support of the Transportation Bill that will support the I-68 expansion into West Virginia.

*Addressed comments made in the General Public Hearing. He explained how current street patching does not last as long as it used to; how the City was able to absorb significant insurance increases with Sanitation revenues and not by raising taxes; and he does not feel that WalMart will have a significant negative impact on Moundsville businesses.

*Mayor Wallace asked for time to return to the issue of running a bus route to Moundsville; Attorney White concurred with Councilpersons Simms and DiRemigio that this has to go on the ballot in November. Councilperson Simms explained that this was voted down previously.

* **Lemasters** - Pool Dectron unit is being disassembled.

* Wanted the house at Linden and Park Avenues looked at; Building Inspector Wise has been there several times. The gentleman is a "junk man" and simply replaces it each week.

*Re-visited the issue of 2602 Center Street state of disrepair. Building Inspector Wise explained that demolition bids have been exorbitantly high and needs asbestos assessment done; the contact at WVDEP has not been able to assess samples.

*Commended Fire Department for fine job in cleaning up the docks.

*Potholes on Garfield Street are atrocious. Discussion was held on concreting the street. City Manager Hendershot reported that Schellhase is working on estimates for this street and Center Street near Highland Avenue so that these can be incorporated into this year's priority list.

*Would like to have an updated list of City Boards and Commissions with term expiration dates included.

*Commended Building Inspectors for the revenues that have come through their office. City Manager Hendershot indicated that this is a good sign of construction being done.

*Inquired about status of workers on Compensation; City Manager reported that all claims at this time are legitimate. He expressed concern over the shortage of Street and Sanitation workers due to absentees. City Manager stated that manpower issue is being addressed.

*Would like to see a report from Parking Meter Attendants; he has noticed several missing meters.

* **Oiler** - Asked if City was assisting resident on Seventh Street who had the tree knocked into the house. City Manager Hendershot reported that the City did remove the tree and will haul away the broken sidewalk; Commissioner Richmond stated that owner has been in contact and will notify them when she is ready to replace the sidewalk. There are issues with the owner's insurance company that are causing the delay.

*Mayor Wallace asked for a moment to report a resident complaining that her name and address was published with incorrect information. Police Chief Kudlak stated that this is a "glitch" in their computer system that causes intersections to be "attached" to the nearest local address. Mayor Wallace asked that a retraction be printed.

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

* **Ward** - Also received complaints about house at Linden and Park Avenue intersection.

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

Meeting adjourned at 8:31 PM.