

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **OCTOBER 19, 2004**

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on
5 October 19, 2004 at 7:00 p.m.

6
7 Meeting was called to order by Mayor Ralph DiRemigio.

8
9 Invocation by Councilperson K. Mark Simms.

10
11 City Clerk called the roll and the following council persons were in attendance: Lemasters, Oiler,
12 Simms, Trussell, Wallace, Ward and DiRemigio. Also present: City Manager Hendershot,
13 Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector
14 Vickers, Attorney Thomas White, CPA Tom Dobbs and City Clerk Hewitt.

15
16 **MINUTES:**

17
18 **Regular Council Meeting of October 5, 2004.**

19
20 Councilperson Simms made a motion to accept and approve the minutes of the regular council
21 meeting of October 5, 2004, seconded by Councilperson Lemasters. Motion carried
22 unanimously.

23
24 **GENERAL PUBLIC HEARING:**

25
26 * Mark Clegg, 1411 Tenth Street, asked council what he could do about having the trees that are
27 over hanging and limbs blowing over on his sister's property cut on the property at 1407 Tenth
28 Street. Also, water is not going into the catch basin at 912 Sixth Street and large holes are
29 forming around the top of the basin.

30
31 Mr. Clegg was advised that Chief Kudlak will explain the section of city code to him about the
32 trees and Street Commissioner Richmond will look at the problem at 912 Sixth Street.

33
34 **PUBLIC HEARING:**

35
36 **Discussion of a Public Hearing Concerning a Charter Change to Raise the Bidding Level**
37 **from \$2500 to \$7500.**

38
39 Mayor DiRemigio read a protest letter from Glen Wise and the Concerned Citizens concerning
40 the bid level.

41
42 Councilperson Simms made a motion to receive and file the protest letter, seconded by
43 Councilperson Oiler. Motion carried unanimously.

1 Mayor DiRemigio asked the audience for public input. Since the public had no further input,
2 Mayor DiRemigio declared the public hearing closed.

3
4 Councilperson Simms commented that the state has raised all bidding levels to \$10,000 the city
5 was trying to be in line with all other state and municipal departments.

6
7 **OLD BUSINESS:**

8
9 **Discussion and Approval of an Ordinance Concerning Competitive Bidding. (Second**
10 **Reading)**

11
12 Attorney White read the following ordinance by title only to be passed by council on second and
13 final reading:

14
15 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
16 **VIRGINIA, AMENDING AND REENACTING SECTION 42 OF THE CHARTER OF**
17 **THE CITY OF MOUNDSVILLE TO RAISE THE LEVEL OF CITY IMPROVEMENTS**
18 **REQUIRING COMPETITIVE BIDDING FROM \$2500 TO \$7500. (SECOND**
19 **READING)**

20
21 Vice Mayor Wallace made a motion to table this matter until further notice, seconded by
22 Councilperson Simms.

23
24 Mayor DiRemigio called for a roll call vote. City Clerk announced the following tally. 7 yeas.
25 Motion carried unanimously.

26
27 **Discussion and Approval of an Ordinance Concerning the Use of City Vehicles. (Second**
28 **Reading)**

29
30 Attorney White read the following ordinance by title only to be passed by council on second and
31 final reading:

32
33 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
34 **VIRGINIA, AMENDING AND REENACTING A PORTION OF ARTICLE 155 OF THE**
35 **CODE OF THE CITY OF MOUNDSVILLE, RELATING TO POLICY PROVISIONS**
36 **FOR EMPLOYEES OF THE CITY OF MOUNDSVILLE, BY ADDING SECTION**
37 **155.13, TO PROVIDE FOR REGULATIONS FOR USE OF CITY VEHICLES.**
38 **(SECOND READING)**

39
40 Councilperson Trussell made a motion to approve the above ordinance, seconded by
41 Councilperson Lemasters.

1 Mayor DiRemigio called for a roll call vote. City Clerk announced the following tally. 7 yeas.
2 Motion carried unanimously.
3

4 **Other Items to be Discussed by Council.**
5

6 * Vice Mayor Wallace commented on the bidding ordinance stating that council is trying to
7 better the city with the best available means provided to them. It is a shame that the city has its
8 hands tied by certain individuals that keep the city from moving forward. He also commented
9 that \$2500 is not enough money to purchase equipment for the city.
10

11 * Councilperson Ward noted that he voted against the ordinance on the first reading because he
12 misunderstood the amount of bidding to be \$75,000 when actually the amount was \$7500.
13

14 * Councilperson Simms also commented that the reason for increasing the amount from \$2500 to
15 \$7500 was because the departments are having trouble obtaining grants. In reality, protesting
16 this ordinance may cause the city to hold a special election that would cost the City of
17 Moundsville between \$7,000 & \$8,000.
18

19 * Councilperson Trussell agreed with Councilperson Simms stated that this protest will effect the
20 purchase of equipment from grant monies. She added that citizens need to attend council
21 meetings so they are aware and understand the reasons that council make the decisions they do.
22

23 **NEW BUSINESS:**
24

25 **Discussion and Approval of Bids Received for a Backhoe for the Street Department.**
26

27 Manager Hendershot reported that bids were received from Southeastern for a backhoe in the
28 amount of \$45,800. Southeastern gave a trade-in on the old backhoe in the amount of \$18,000.
29

30 Councilperson Lemasters made a motion to purchase the backhoe from Southeastern in the
31 amount of \$45,800, seconded by Councilperson Oiler. Motion carried unanimously.
32

33 **Discussion and Approval of Bids Received for Dumpster Containers for the Sanitation**
34 **Department.**
35

36 City Manager Hendershot announced that bids were received from Valley Can for 10 six yard
37 containers (\$7,800) and 10 eight yard containers (\$9,400) in the amount of \$17,200.
38

39 Councilperson Simms made a motion to purchase the dumpster containers in the amount of
40 \$17,200 seconded by Councilperson Lemasters. Motion carried unanimously.
41

42 **Other Items to be Discussed by Council.**
43

1 **Water Treatment Plant Project.**

2
3 Councilperson Simms asked City Manager Hendershot if he could explain the plans of the Water
4 Board concerning the new Water Treatment Plant project since the engineering firm led the
5 Water Board astray on the proposed bid to build the plant.

6
7 City Manager Hendershot reported that the firm has sent the Water Board back to the drawing
8 board with four or five options to see if the potential is to reduce the price of the plant. It is
9 pretty clear even with the major reductions in the construction, the plant can not be built at the
10 rate that was previously passed. The Water Board may have to look at possibly implementing
11 another rate increase, but it is not clear at this time. The board has asked the engineers to attend
12 the next meeting to present different options.

13
14 Mayor DiRemigio invited all council members to attend the next Water Board Meeting to be
15 held on Monday, October 25, 2004 at 5:00 p.m., at the Water Office, 819 Lafayette Avenue.

16
17 **Municipal Election November 2, 2004.**

18
19 Councilperson Lemasters expressed his disappointment that his opponent in the Third Ward,
20 Dwayne Clarke, had not informed the citizens of the city that he did not wish to run for Council
21 in the Third Ward. He asked why the City had not placed a notice in the paper concerning this
22 matter?

23
24 City Clerk Hewitt informed Councilperson Lemasters that Mr. Clarke submitted a letter on
25 September 13, 2004 withdrawing from the election, but the withdrawal deadline was August 31,
26 2004. A call was made to the Secretary of State asking if the candidate wished to withdraw from
27 the election and the ballots were not printed, if he could be eliminated from the ballot. The
28 answer from Jan Casto of the Secretary of States Office was that it would be unconstitutional if
29 the city eliminated Mr. Clarke from the ballot. As far as they are concerned, Mr. Clarke missed
30 the deadline therefore leaving him on the ballot as a candidate. The City of Moundsville can not
31 place any article in the newspaper stating that Mr. Clarke had withdrawn. The matter is totally
32 up to Mr. Clarke whether or not he wishes to place an article in the newspaper.

33
34 **MANAGER ITEMS:**

35
36 City Manager Hendershot announced that the city is continuing with the FEMA Reports.
37 Supervisor Deanna Hess was instructed to call the City Manager if any question arise. Mrs. Hess
38 is attending a FEMA meeting tonight at the County Commission Office to obtain more
39 information.

40
41 **MAYOR ITEMS:**

42
43 * Mayor DiRemigio reminded all citizens to vote on November 2, 2004.

1 * Mayor DiRemigio also commented that many of the problems in the city due to flooding have
2 not been taken care of yet. The City of Moundsville is still recovering from the disaster.

3
4 **COMMITTEE REPORTS:**

5
6 **Discussion and Approval of Recommendations by the Finance Committee.**

7
8 1. The Finance Committee recommended to approve the JM Boys Basketball 2004-2005
9 Program Ad in the Amount of \$50.

10
11 Vice Mayor Wallace made a motion to purchase a \$50 ad for the JM Boys Basketball Program in
12 the amount of \$50, seconded by Councilperson Lemasters. Motion carried unanimously.

13
14 2. The Finance Committee recommended to approve a donation of \$50 to the Fostoria Glass
15 Society.

16
17 Vice Mayor Wallace made a motion to donate \$50 to the Fostoria Glass Society, seconded by
18 Councilperson Ward. Motion carried unanimously.

19
20 Vice Mayor Wallace informed council members that city council has not been in the last two JM
21 Football Programs. He had understood that requests for ad were approved in Finance Meetings.
22 Council instructed City Manager Hendershot to research this matter and request reimbursement
23 for the previous ads.

24
25 After further discussion, Vice Mayor Wallace made a motion to increase the JM Boys Basketball
26 Ad to \$100 full page ad instead of the \$50 half page ad, seconded by Councilperson Simms.
27 Motion carried unanimously.

28
29 **Discussion and Approval of Recommendations by the Traffic Committee.**

30
31 1. The Traffic Committee recommended to install a "Slow Children at Play" sign in alley behind
32 1400 Fourth Street.

33
34 City Manager Hendershot will take care of the work request.

35
36 2. The Traffic Committee recommended a handicapped sign at 11 Locust Avenue.

37
38 Councilperson Simms made a motion to approve the request for a handicapped sign at 11 Locust
39 Avenue, seconded by Councilperson Trussell. Motion carried unanimously.

40
41 3. The Traffic Committee recommended a handicapped sign at 214½ Washington Avenue and
42 310 Eighth Street..

1 Councilperson Simms made a motion to table the request for a handicapped sign at 214 ½
2 Washington Avenue & 310 Eighth Street, seconded by Councilperson Ward. Motion carried
3 unanimously.
4

5 **Discussion and Approval of Recommendations by the Policy Committee.**
6

7 1. Discussion of Section 901.02 of the City Code Concerning Refuse on the Streets ie., Grass
8 Clippings.
9

10 The Policy Committee recommended to table this matter until further notice.
11

12 2. Discussion of 907.05 of the City Code Concerning Trees & Shrubs.
13

14 The Policy Committee asked Attorney White to research the matter. Attorney White advised that
15 the city can not govern what happens between neighbors concerning trees & shrubs growing into
16 other properties. This would be a civil matter. However, the city can govern what grows onto a
17 right of way.
18

19 **COUNCIL ITEMS:**
20

21 * **Lemasters** - Reported pot holes on Third Street.
22

23 * Asked why there is so much water in front of the Post Office on Third Street. City Manager
24 Hendershot advised that the First Christian Church installed an elevator and a sump pump. The
25 city ordinance requires that the water be put to the curb. Discussion was held on running a drain
26 or catch basin to drain the water.
27

28 * The Parks & Recreation has piled debris at Valley Fork Park waiting on the go ahead from Fire
29 Chief Clarke.
30

31 * The Walking Trail at Valley Fork Park (girls & boys fields) will be closed until Spring 2005.
32 The walking trail lost approximately 125' of asphalt.
33

34 * Remind citizens to vote on November 2, 2005.
35

36 * **Oiler** - Reminded citizens that "Trick or Treat" will be celebrated on Saturday, October 30,
37 2004. Be cautious when travel in the city on that evening.
38

39 * Remind citizens to vote on November 2, 2004.
40

41 * **Simms** - Reported that he is a member of the board of directors and will be attending the WV
42 Municipal League Board of Directors Meeting in Fairmont on Friday, October 22, 2004.
43

***Trussell - Nothing at this time.**

*** Wallace -** Asked if the media could place something in the paper concerning the conflict of the Third Ward Candidates.

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

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

Meeting adjourned at 7:49 p.m.

Sondra J. Hewitt, City Clerk

Ralph DiRemigio, Mayor