

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **APRIL 19, 2005**

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on
5 April 19, 2005 at 7:00 p.m.

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

8
9 Invocation by Councilperson 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 Thomas Dobbs and City Clerk Hewitt.

15
16 **PUBLIC HEARING:**

17
18 **Public Hearing Concerning the Water Rates, Charges and Fees of the City of Moundsville**
19 **Water System.**

20
21 Mayor DiRemigio opened the council floor to any one wishing to speak on the water rates,
22 charges or fees of the City of Moundsville.

23
24 Since there was no public input, Mayor DiRemigio closed the public hearing.

25
26 **MINUTES:**

27
28 **Regular Council Meeting of April 5, 2005.**

29
30 Councilperson Ward made a motion to accept and approve the minutes of the regular council
31 meeting of April 5, 2005, seconded by Councilperson Simms. Motion carried unanimously.

32
33 **GENERAL PUBLIC HEARING:**

34
35 * **James Kelsh - Moundsville Water Rate Attorney** spoke to council concerning the water rate
36 increase ordinance.

37
38 **OLD BUSINESS:**

39
40 **Discussion and Approval of an Ordinance Concerning Water Rates in the City of**
41 **Moundsville (Second & Final Reading)**

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

3
4 **AN ORDINANCE ESTABLISHING AND FIXING RATES, CHARGES AND FEES FOR**
5 **SERVICE TO CUSTOMERS OF THE WATER SYSTEM OF THE CITY OF**
6 **MOUNDSVILLE, WEST VIRGINIA. (SECOND AND FINAL READING)**
7

8 Vice Mayor Wallace made a motion to accept and approve the water rate ordinance, seconded by
9 Councilperson Trussell.

10
11 Mayor DiRemigio called for a roll call vote. City Clerk announced the following tally.
12 Lemasters-yea; Oiler-yea; Simms-yea; Trussell-yea; Wallace-yea; Ward-yea; DiRemigio-yea. 7
13 yeas. Motion carried unanimously.
14

15 **Other Items to be Discussed by Council.**
16

17 * Vice Mayor Wallace asked City Manager Hendershot if somebody is working on the sensor
18 switch at the 10th & Lafayette Avenue traffic light. Manager Hendershot advised that he had
19 seen a company working there and hopes they are moving the sensor.
20

21 **NEW BUSINESS:**
22

23 **Discussion and Approval of a Resolution by the City of Moundsville Authorizing the Filing**
24 **of a Small Cities Block Grant Application to the State of West Virginia.**
25

26 Councilperson Simms made a motion to accept and approve the resolution for Small Cities Block
27 Grant, seconded by Councilperson Lemasters. Motion carried unanimously.
28

29 **Discussion and Approval of the Levy Estimate for the 2005-2006 General Fund Budget.**
30

31 Councilperson Simms made a motion to approve the Levy Estimate for the 2005-2006 General
32 Fund Budget, seconded by Councilperson Trussell. Motion carried unanimously.
33

34 **Discussion and Approval of an Ordinance Concerning Section 155.07(5)(b) of the**
35 **Employee Policy Regulations Medical Certification. (First Reading)**
36

37 Attorney White read the following ordinance by title only to be passed by council on first
38 reading:
39

40 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
41 **VIRGINIA, AMENDING AND REENACTING A PORTION OF THE EMPLOYEE**
42 **POLICY REGARDING MEDICAL CERTIFICATION FOR USE OF SICK LEAVE**
43 **(FIRST READING)**

1 Councilperson Trussell made a motion to accept and approve the Employee Policy Ordinance,
2 seconded by Councilperson Oiler.

3
4 Vice Mayor Wallace asked City Manager to explain this ordinance. Manager Hendershot
5 reported that employees will not have to use doctor slips on their sixth occurrence but will be
6 required after three consecutive days.

7
8 Mayor DiRemigio called for a roll call vote. City Clerk announced the following tally.
9 Lemasters-yea; Oiler-yea; Simms-yea; Trussell-yea; Wallace-yea; Ward-yea; DiRemigio-yea. 7
10 yeas. Motion carried unanimously.

11
12 **Discussion and Approval of an Ordinance to Amend the Business and Taxation Code**
13 **Section 745.181 Resident and Non Resident Contractors. (First Reading)**

14
15 Attorney White read the following Business and Taxation Ordinance by title only to be passed by
16 council on first reading:

17
18 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
19 **VIRGINIA, AMENDING THE CODE TO PROVIDE FOR CONTRACTORS' BONDS**
20 **RELATING TO BUSINESS AND OCCUPATION TAXES IN THE CITY. (FIRST**
21 **READING)**

22
23 Councilperson Lemasters made a motion to accept and approve the above ordinance, seconded
24 by Councilperson Simms.

25
26 Vice Mayor Wallace asked City Manager Hendershot to explain this ordinance. Manager
27 Hendershot noted that this ordinance was inadvertently omitted from the code book.

28
29 Mayor DiRemigio called for a roll call vote. City Clerk announced the following tally.
30 Lemasters-yea; Oiler-yea; Simms-yea; Trussell-yea; Wallace-yea; Ward-yea; DiRemigio-yea. 7
31 yeas. Motion carried unanimously.

32
33 **Discussion and Approval of a Zone Change for a Certain Area North from Fifth Street**
34 **Along Lafayette Avenue to the Corporate City Limits. (Wal-Mart) (First Reading)**

35
36 Attorney White read the following ordinance by title only to be passed by council on first
37 reading:

38
39 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
40 **VIRGINIA, TO AMEND THE ZONING MAP OF THE CITY OF MOUNDSVILLE TO**
41 **DESIGNATE CERTAIN AREAS ALONG LAFAYETTE AVENUE NORTH OF FIFTH**
42 **STREET AS A "C-C-C-H" COMBINED CENTRAL BUSINESS DISTRICT AND**
43 **HIGHWAY COMMERCIAL ZONE (FIRST READING)**

1 Councilperson Trussell made a motion to accept and approve the zone change ordinance,
2 seconded by Councilperson Ward.

3
4 Vice Mayor Wallace asked City Manager Hendershot to enlighten council on this ordinance.
5 Manager Hendershot advised that council had recently passed an ordinance on the same area but
6 the description was wrong and it did not include areas that needed to be included. This ordinance
7 has expanded the description of the CCCH area.

8
9 Mayor DiRemigio called for a roll call vote. City Clerk announced the following tally.
10 Lemasters-yea; Oiler-yea; Simms-yea; Trussell-yea; Wallace-yea; Ward-yea; DiRemigio-yea. 7
11 yeas. Motion carried unanimously.

12
13 **Discussion and Approval of a Resolution to Honorarily Name Ninth Street from Lafayette**
14 **Avenue to Tomlinson Avenue as "Sonny Allen Avenue".**

15
16 Mayor DiRemigio made a motion to honorarily name Ninth Street from Tomlinson Avenue to
17 Lafayette Avenue " Sonny Allen Avenue", seconded by Councilperson Ward.

18 Mayor DiRemigio called for a roll call vote. City Clerk announced the following tally.
19 Lemasters-nay; Oiler-nay; Simms-nay; Trussell-nay; Wallace-nay; Ward-yea; DiRemigio-yea. 5
20 yeas, 2 yeas. Ward and DiRemigio yeas. Motion failed.

21
22 **Receive and File the 2005-2006 Moundsville Water Board Budget.**

23
24 Councilperson Simms made a motion to receive and file the 2005-2006 Moundsville Water
25 Board Budget, seconded by Councilperson Oiler. Motion carried unanimously.

26
27 **MANAGER ITEMS:**

28
29 **Youth Club of Marshall County's Board of Directors.**

30
31 The Youth Club of Marshall County's Board of Directors sent a thank you letter for the donation
32 of \$250 to the Marshall County Youth Club.

33
34 **Fostoria Glass Society of America Inc.**

35
36 The Fostoria Glass Society of America Inc sent a letter of thanks to Moundsville Council for
37 their donation of \$50.

38
39 **Business After Hours Announced.**

40
41 The Marshall County Chamber of Commerce Business After Hours will be held at the Marshall
42 County Co-op on April 28, 2005 from 5-7 p.m.

1 **Police Department Received Thank You Letter.**

2
3 Moundsville Police Officers Wolfe, Zirkle and DeWitt received a letter of thanks for their
4 response to a citizen who was unable to answer the phone. When officers gained access, they
5 found the individual and sent for an ambulance.

6
7 **MAYOR ITEMS:**

8
9 Mayor DiRemigio commended the Sanitary Department for their work on Rt. 2 removing and
10 reinstalling the guard rail for the preparation of the Wal Mart Project. Councilperson Simms also
11 thanked Floyd Gump for his assistance and use of dozer for the project.

12
13 **COMMITTEE REPORTS:**

14
15 **Discussion and Approval of Recommendations by the Finance Committee by Vice Mayor**
16 **Wallace.**

- 17
18 1. Recommendation to Donate \$50 to the American Heart Walk.

19
20 Vice Mayor Wallace made a motion to donate \$50 to the American Heart Walk, seconded by
21 Councilperson Trussell. Motion carried unanimously.

- 22
23 2. Recommendation to Purchase \$100 for Full Page Ad in the Moundsville High School
24 Alumni Program for 2005.

25
26 Vice Mayor Wallace made a motion to purchase a full page ad for \$100 in the Moundsville High
27 School Alumni Program, seconded by Councilperson Ward. Motion carried unanimously.

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

- 31
32 1. Denied a request to extended yellow line at Remke Warehouse on Second Street &
33 Tomlinson Avenue.

- 34
35 2. Denied handicapped request at 1004 Sixth Street.

- 36
37 3. Denied left turn sign west onto 6th Street between Wendy's & Napa Auto.

- 38
39 4. Tabled handicapped sign for 2203 Kanawha Street.

- 40
41 5. Denied easement at 1711 Fourth Street and 1301 Fourth Street.

- 42
43 6. Granted light pole at 1301 Sixth Street.

1 7. Granted permission to install a street sign on Ninth Street between Tomlinson Avenue
2 and Lafayette Avenue to honorarily name "Sonny Allen Avenue."
3

4 **COUNCIL ITEMS:**
5

6 * **Trussell** - Reported a house in deplorable condition at the upper part of Center Street.
7

8 * Announced her official resignation as Second Ward Councilperson.
9

10 * **Lemasters** - Nothing at this time.
11

12 * **Wallace** - Nothing at this time.
13

14 * **Oiler** - Congratulations to Chief Kudlak and wife Penny on the adoption of their daughter
15 Sydney.
16

17 * **Simms** - Asked City Manager Hendershot to put a notice in the paper concerning the street
18 sweeper inoperable.
19

20 * Asked the Street Commissioner if Locust Avenue was open? Commissioner Richmond
21 advised they did open the street, but thinks there might be a water leak.
22

23 * Wished to thank Shelly Trussell for working together on council.
24

25 * **Ward** - Thanked Shelly Trussell for her assistance while on council.
26

27 Councilperson Trussell made a motion to adjourn, seconded by Councilperson Simms. Motion
28 carried unanimously.
29

30 Meeting adjourned at 7:45 p.m.
31
32
33
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37

38 _____
39 Sondra J. Hewitt, City Clerk
40
41

Ralph DiRemigio, Mayor