

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **MAY 3, 2005**

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on May
5 3, 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: Oiler, Simms,
12 Wallace, Ward and DiRemigio. Absent: Lemasters. Also present: City Manager Hendershot,
13 Police Lt. Robinson, Fire Lt. Hummel, Street Commissioner Richmond, Building Inspector
14 Wise, Attorney Thomas White, CPA Thomas Dobbs and City Clerk Hewitt. Absent: Police
15 Chief Kudlak & Fire Chief Clarke.

16
17 **GENERAL PUBLIC HEARING:**

18
19 * Jack Cunningham, 516 Tenth Street, requested officers to patrol Tenth Street due speeders.
20 Reported several OH plated vehicles in Moundsville and junk cars in yards. Reported drug
21 problem in the city. Also, asked about planting trees in the city parks. He was directed to
22 contact Tom Sutton the Recreation Commissioner.

23
24 Lt. Robinson commented that the Police Department is aware of the drug problem in the city and
25 have been working on such dealings. And stated that the junk vehicle problem is also being
26 address. Both problems take time to correct.

27
28 * Terry Dunlap, 5 Ford Street, asked if council would consider asking the state to place a turn
29 lane at the entrance to Wal Mart on Jefferson Extension.

30
31 Mayor DiRemigio reported that this matter has been taken care of.

32
33 * Sherry Scales, 16 Highland Avenue, complained of neighbors running a repair garage and
34 using power tools into the evening hours.

35
36 Lt. Robinson reported that officers have been to the residence in question several times and
37 spoke to the owners reminding them of the noise ordinance.

38
39 * Linda Sills, 112 Ash Avenue, asked that citizens be informed on ponds and swimming pools in
40 the city limits. Also, reported neighbors have a vehicle on car jacks for weeks.

41
42 **OLD BUSINESS:**

1 **Discussion and Approval of an Ordinance Concerning Section 1155.07 (5) (b) of the**
2 **Employee Policy Regulations Medical Certification. (Second Reading)**
3

4 Attorney White read the following ordinance by title only to be passed by council on second and
5 final reading:
6

7 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
8 **VIRGINIA, AMENDING AND REENACTING OF A PORTION OF THE EMPLOYEE**
9 **POLICY REGARDING MEDICAL CERTIFICATION FOR USE OF SICK LEAVE.**
10 **(SECOND READING)**
11

12 Vice Mayor Wallace made a motion to accept and approve the above ordinance, seconded by
13 Councilperson Ward.
14

15 Mayor DiRemigio called for a roll call vote. City Clerk announced the following tally. Oiler-
16 yea; Simms-yea; Wallace-yea; Ward-yea; DiRemigio-yea. 5 yeas. Motion carried unanimously.
17

18 **Discussion and Approval of an Ordinance to Amend the Business and Taxation Code**
19 **Section 745.181 Resident & Non Resident Contractors. (Second Reading)**
20

21 Attorney White read the following ordinance by title only to be passed by council on second and
22 final reading:
23

24 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
25 **VIRGINIA, AMENDING THE CODE TO PROVIDE FOR CONTRACTORS' BONDS**
26 **RELATING TO BUSINESS AND OCCUPATION TAXES IN THE CITY (SECOND**
27 **READING)**
28

29 Councilperson Simms made a motion to accept and approve the B&O Tax ordinance, seconded
30 by Councilperson Ward.
31

32 Mayor DiRemigio called for a roll call vote. City Clerk announced the following tally. Oiler-
33 yea; Simms-yea; Wallace-yea; Ward-yea; DiRemigio-yea. 5 yeas. Motion carried unanimously.
34

35 **Discussion and Approval of a Zone Change for a Certain Area North from Fifth Street**
36 **Along Lafayette Avenue to the Corporate City Limits. (Second Reading)**
37

38 Attorney White read the following ordinance by title only to be passed by council on second and
39 final reading:
40

41 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
42 **VIRGINIA, TO AMEND THE ZONING MAP OF THE CITY OF MOUNDSVILLE TO**
43 **DESIGNATE A CERTAIN ALONG LAFAYETTE AVENUE NORTH OF FIFTH**

1 **STREET AS A "C-C-C-H" COMBINED CENTRAL BUSINESS DISTRICT AND**
2 **HIGHWAY COMMERCIAL ZONE (SECOND READING)**
3

4 Councilperson Ward made a motion to accept and approve the zoning ordinance, seconded by
5 Councilperson Oiler.
6

7 Mayor DiRemigio called for a roll call vote. City Clerk announced the following tally. Oiler-
8 yea; Simm-yea; Wallace-yea; Ward-yea; DiRemigio-yea. 5 yeas. Motion carried unanimously.
9

10 **NEW BUSINESS:**
11

12 **Receive and File a Resignation from Councilperson Shelly L. Trussell.**
13

14 Councilperson Simms made a motion to receive and file the resignation for Second Ward
15 Councilperson Shelly Trussell, seconded by Councilperson Ward. Motion carried unanimously.
16

17 Councilperson Oiler made a motion to advertise for the vacancy of Second Ward Councilperson,
18 seconded by Vice Mayor Wallace. Motion carried unanimously.
19

20 **Discussion of Proposed Storm Water Management Plan.**
21

22 City Manager Hendershot reported that the city had applied for an MS4 permit waiver. The city
23 has been working with Richard Lewis of Steptoe and Johnson to clarify what the regulations
24 were going to be on the MS4 permits and through that process the city had applied for a waiver.
25 The city was just recently notified that the waiver was denied. The city will have to adhere to
26 the permit process, which requires the city to have things in place in a certain time frame. A
27 Storm Water Board will have to be formed in the near future and Manager Hendershot suggested
28 that Mr. Lewis be invited to a meeting with council to lay out the city's options and what is
29 available to us.
30

31 **Discussion and Approval of Appointments to the Moundsville Planning Commission. The**
32 **Terms for Jane Klug (5/11) and Joanne Lemasters (5/7) will expire.**
33

34 Manager Hendershot stated that Ms. Klug and Mrs. Lemasters submitted letter for reinstatement
35 on the Planning Commission.
36

37 **Discussion and Approval of Bids Received to Upgrade Electric Service at the Street**
38 **Department Garage.**
39

40 Manager Hendershot reported that sometime ago, the city received a \$40,000 grant from the state
41 to repair the Street Department garage. The roof project was priority and cost approximately
42 \$34,150.00 which leaves \$5,850.00 for the electrical upgrade. Building Inspector Wise assisted
43 in designing more specific specs. Erb Electric submitted a bid in the amount of \$9,150.00. The

1 cost to the city will be approximately \$3,300.00. Manager Hendershot recommended that
2 council accept this bid from Erb Electric.

3
4 Councilperson Simms made a motion to accept the bid from Erb Electric in the amount of
5 \$9,150.00, seconded by Councilperson Oiler. Motion carried unanimously.

6
7 **Discussion and Approval of Bids Received for the Girls Softball Fields at Valley Fork Park.**

8
9 This bid will have to be accepted by the Parks & Recreation Board. The money was provided by
10 FEMA. The bid received for the infield on two of the girls fields was \$14,000. This is
11 replacement money for the girls field that were already repaired but damaged by the flood.

12
13 **Discussion and Approval of Bids Received for Paving on the Walking Trail.**

14
15 Manager Hendershot reported that this bid will also have to be accepted by the Parks &
16 Recreation Board. The repairs to the walking trail is money provided by FEMA. The bid from
17 Klug Brothers is \$21,000. This includes straightening out a turn where the flood washed out the
18 trail.

19
20 **Discussion and Approval of a Resolution Authorizing the City to Enter into a Contractual**
21 **Agreement with the Local Economic Development Assistance Grant Office for a Grant**
22 **Award.**

23
24 This grant is from last years funding for improvements to the Boys Baseball Complex at Valley
25 Fork Park in the amount of \$5,000.

26
27 Councilperson Simms made a motion to authorize the City Manager to sign the agreement,
28 seconded by Councilperson Oiler. Motion carried unanimously.

29
30 **Discussion and Approval of Payment to James Kelsh in the Amount of \$1,049.15 for the**
31 **New Water Treatment Plant Project.**

32
33 Councilperson Ward made a motion to authorize payment to James Kelsh in the amount of
34 \$1,049.15, seconded by Councilperson Simms. Motion carried unanimously.

35
36 **MANAGER ITEMS:**

37
38 **Hazardous Mitigation Grant Program.**

39
40 Manager Hendershot updated council on the Hazardous Mitigation Grant Program. He reported
41 that council passed a resolution authorizing him to enter into a grant application. The city
42 advertised and took applications which resulted in ten applicants, two were in the more
43 hazardous area (along the river bank) and eight were in the Ruby Tree or Gem Street Addition.

1 Since those are low priority for the grant process it is Manager Hendershot's personal opinion
2 that the city should not buy those properties because once the city purchases them, the city can
3 not build on them again. Mayor DiRemigio commented that he would like council to authorize
4 the City Manager to pursue the plan.

5
6 After further discussion, Councilperson Simms made a motion to follow the City Manager's
7 direction by not filing the application for the Hazardous Mitigation Program, seconded by
8 Councilperson Ward. Motion carried unanimously.

9
10 **Update on Employee Health Insurance.**

11
12 Manager Hendershot reported that the Health Plan point of service plan is still available, rates
13 have been locked in the city until July 1, 2005.

14
15 **Other Items by City Manager.**

16
17 * City Council received a thank you letter from Bishop Donahue High School for their donation.

18
19 **Certificates of Publication.**

20
21 Attorney White submitted seven legal ads published in the Moundsville Daily Echo to be
22 received and filed by council.

- 23
24 1. Ordinance for Drug Fee Workplace
25 2. Bids for Computer Hardware
26 3. Ordinance for Changing Water Rates
27 4. Bids for Paving of Walking Trail
28 5. Zone Variance for Gumby's LLC
29 6. Zone Variance for 1215 Fifth Street
30 7. Zone Variance for 240 Lafayette Avenue

31
32 Councilperson Ward made a motion to receive and file the publications, seconded by
33 Councilperson Oiler. Motion carried unanimously.

34
35 **MAYOR ITEMS:**

36
37 Mayor DiRemigio encourage council members to attend the Mock Riot. Groups from all over
38 the country and world are attending. They are showing and demonstrating some fascinating
39 products.

40
41 **COMMITTEE REPORTS:**

42
43 **Discussion and Approval of Recommendations by the Finance Committee.**

1 Vice Mayor Wallace scheduled a Finance Meeting on Tuesday, May 10, 2005 at 6:00 p.m.

2
3 **Discussion and Approval of Recommendations by the Traffic Committee.**

4
5 Councilperson Simms scheduled a Traffic Meeting to follow the Finance Meeting.

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

8
9 Councilperson Oiler scheduled a Policy Meeting to follow the Traffic Meeting.

10
11 * Mayor DiRemigio asked Vice Mayor Wallace if he would mind taking the temporary vacancy
12 on Shelly Trussell on the Annexation Committee.

13
14 **COUNCIL ITEMS:**

15
16 * **Oiler** - Nothing at this time.

17
18 * **Simms** - Discussed the purchase of a street sweeper. After further discussion, Councilperson
19 Simms made a motion to proceed with the purchase of a smaller vacuum sweeper and include
20 \$5,000 to repair the Pelican, seconded by Councilperson Ward. Motion carried unanimously.

21
22 * **Wallace** - Commented that council and the police department is aware of the drug problem and
23 junk vehicle problem in the City of Moundsville, but procedures on these thing take time.

24
25 * **Ward** - Received complaints concerning the vehicles on Rt. 2 parked at the Transmission
26 Shop. Manager Hendershot advised that council needs to address this matter at the next Policy
27 Meeting.

28
29 * Also, Councilperson Oiler asked Building Inspector Wise if the Transmission Shop has a
30 permit to lay concrete. Mr. Wise advised that the shop owner is not paying for the concrete, the
31 trucks are dumping left over cement and cleaning their tanks.

32
33 Councilperson Oiler made a motion to adjourn, seconded by Councilperson Simms. Motion
34 carried unanimously.

35
36 Meeting adjourned at 8:04 p.m.

37
38
39
40
41
42
43 _____
Sondra J. Hewitt, City Clerk

Ralph DiRemigio, Mayor