

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **OCTOBER 4, 2005**

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

6
7 Meeting was called to order by Vice Mayor Dennis Wallace.

8
9 Invocation by City Manager Hendershot.

10
11 City Clerk called the roll and the following council persons were in attendance: Haynes,
12 Lemasters, Oiler, Ward and Vice Mayor Wallace. Absent: Mayor DiRemigio(ill) and
13 Councilperson Simms (ill). Also present: City Manager Hendershot, Police Chief Kudlak, Fire
14 Pvt. Ullom, Street Commissioner Richmond, Building Inspector Vickers, Attorney Thomas
15 White, CPA Finance Director Thomas Dobbs and City Clerk Hewitt. Absent: Fire Chief Clarke
16 (attending class).

17
18 **MINUTES:**

19
20 **Regular Council Meeting of September 20, 2005.**

21
22 Councilperson Lemasters made a motion to accept and approve the minutes of the regular
23 council meeting of September 20, 2005, seconded by Councilperson Oiler. Motion carried
24 unanimously.

25
26 **PRESENTATION:**

27
28 Vice Mayor Wallace presented a Certificate of Appreciation to Lieutenant Michael Hummel of
29 the Fire Department who resigned after ten years of service.

30
31 **GENERAL PUBLIC HEARING:**

32
33 * Gilbert Lashare, 64 Linden Avenue, reported that several month ago he reported while the city
34 was delivering a dumpster the corner caught the TV & phone cables. He also stated that a piece
35 of wood was pulled down from his roof when the cables caught the dumpster.

36
37 Street Commissioner Richmond reported they called the TV & phone company concerning the
38 cables. He was unaware of the piece of wood from his roof. When he spoke with Mr. Lashare,
39 he never mentioned the wood.

40
41 Vice Mayor Wallace asked Mr. Richmond if he could look at the roof tomorrow.
42
43

1 * Dennis Wingrove, RD 3 Box 97, Moundsville stated that he owned the property that adjoins
2 the City Landfill. He asked City Manager Hendershot if the city was going to have the property
3 surveyed before they start timbering because a man was on his property trying to find the
4 property line and was approximately ½ mile onto his property.
5

6 Manager Hendershot reported that the city is going to hire a Forestry Agent prior to going out to
7 bid and the property will be surveyed before project is put out for bid.
8

9 **Discussion and Approval of an Ordinance Concerning a Zone Change at 1916 First Street**
10 **(Larry Kidd Property) from R-U to C-N. (Second Reading)**
11

12 Attorney White read the following zone change ordinance by title only to be passed by council
13 on second and final reading:
14

15 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
16 **VIRGINIA, PROVIDING FOR A ZONING CHANGE OF A CERTAIN DESIGNATED**
17 **AREA AT 1916 FIRST STREET IN THE CITY OF MOUNDSVILLE FROM AN URBAN**
18 **RESIDENTIAL DISTRICT TO A NEIGHBORHOOD COMMERCIAL DISTRICT.**
19 **(SECOND READING)**
20

21 Councilperson Haynes made a motion to accept and approve the zone change ordinance,
22 seconded by Councilperson Ward.
23

24 Vice Mayor Wallace called for a voice vote. City Clerk announced the following tally. 5 yeas.
25 Motion carried unanimously.
26

27 **Discussion and Approval of an Ordinance Concerning the WVML Municipal Revenue**
28 **Enhancement Program. (Second Reading)**
29

30 Attorney White read the following Municipal Revenue Enhancement Program ordinance by title
31 only to be passed by council on second and final reading:
32

33 **AN ORDINANCE AUTHORIZING PARTICIPATION IN WVML MUNICIPAL**
34 **REVENUE ENHANCEMENT PROGRAM AND THE EXECUTION OF THE**
35 **INTERGOVERNMENTAL AGREEMENT FOR THE EXCHANGE OF INFORMATION**
36 **AMONG THE CITY OF MOUNDSVILLE, THE WEST VIRGINIA MUNICIPAL**
37 **LEAGUE, INC., AND PARTICIPATING MUNICIPALITIES. (SECOND READING)**
38

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

42 Vice Mayor Wallace called for a voice vote. City Clerk announced the following tally. 5 yeas.
43 Motion carried unanimously.

1 **NEW BUSINESS:**

2
3 **Discussion and Approval of an Ordinance Concerning Water Bonds for the City of**
4 **Moundsville. (First Reading)**

5
6 Attorney White read the following City of Moundsville Water Bond Ordinance by title only to be
7 passed by council on first reading:

8
9 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE AUTHORIZING THE**
10 **REFUNDING OF THE OUTSTANDING WATERWORKS SYSTEM REFUNDING**
11 **BOND ANTICIPATION NOTES, SERIES 2000; AND AUTHORIZING THE**
12 **ACQUISITION AND CONSTRUCTION OF EXTENSIONS, ADDITIONS,**
13 **BETTERMENTS AND WATERWORKS SYSTEM OF THE CITY OF MOUNDSVILLE**
14 **AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF**
15 **THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$7,000,000 IN**
16 **AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2005 A**
17 **(UNITED STATES DEPARTMENT OF AGRICULTURE) AND NOT MORE THAN**
18 **\$13,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS,**
19 **SERIES 2005 B (WEST VIRGINIA WATER RIGHTS AND REMEDIES OF AND**
20 **SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING**
21 **EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE**
22 **ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A**
23 **LOAN AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE**
24 **AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND**
25 **ADOPTING OTHER PROVISIONS RELATING THERETO. (FIRST READING)**

26
27 Councilperson Haynes made a motion to approve the above Moundsville Water Bond Ordinance,
28 seconded by Councilperson Ward.

29
30 Vice Mayor Wallace called for a voice vote. City Clerk announced the following tally. 5 yeas.
31 Motion carried unanimously.

32
33 **Discussion and Approval of Payment to James V. Kelsh in the Amount of \$12,095.28 for**
34 **the new Water Treatment Plant Project.**

35
36 Councilperson Haynes made a motion to approve payment to James V. Kelsh in the amount of
37 \$12,095.28, seconded by Councilperson Oiler. Motion carried unanimously.

38
39 **Discussion and Approval of a Request from the Moundsville Water Board to Name the**
40 **Two Access Roads to the Moundsville Water Wells DiRemigio Drive and Langin Drive.**

41
42 Discussion was held on naming one access road DiRemigio Drive and changing the other access
43 road to Hitt Drive instead of Langin Drive. Attorney White advised that council must make a

1 motion on the original resolution (DiRemigio Drive and Langin Drive) then make a motion to
2 amend the resolution.

3
4 Councilperson Haynes made a motion to name the two access roads to the Moundsville Water
5 Wells DiRemigio Drive and Langin Drive, seconded by Councilperson Oiler.

6
7 Councilperson Haynes made motion to amend the original resolution to name to access roads
8 DiRemigio Drive and Hitt Drive, seconded by Vice Mayor Wallace. Motion carried
9 unanimously.

10
11 Vice Mayor Wallace asked council members all in favor of the original motion. Motion carried
12 unanimously.

13
14 **Other Items Discussed by Council.**

15
16 * Councilperson Haynes suggested that council adopt a resolution in support of the teachers,
17 parents and grandparent of children attending Sanford School & Park View School to keep them
18 open.

19
20 Vice Mayor Wallace commented that he did not wish to influence the decision of the Marshall
21 County Board of Education.

22
23 After some discussion, Councilperson Haynes made a motion to adopt a resolution concerning
24 support of keeping Sanford School & Park View School open, seconded by Councilperson
25 Lemasters. Motion carried unanimously.

26
27 **MANAGER ITEMS:**

28
29 **Update on Jefferson Avenue Bridge Project.**

30
31 At a recent September 14th Bel-O-Mar meeting concerning the Transportation Improvement
32 Program schedule it was brought to the City Manager's attention that Department of Highways
33 has taken Moundsville's Jefferson Avenue Extension Bridge project off of their calendar which
34 runs beyond 2009. Since the meeting, Manager Hendershot has been in contact with Jeff
35 Harpold, Head of the WV Department of Transportation Sidewalk Grant, who recommended that
36 the city delay the Jefferson Avenue Extension sidewalk project until the bridge is constructed.
37 Manager Hendershot noted that Senator Jeff Kessler said that Governor Manchin would like to
38 see Moundsville's Bridge project be placed back on the priority list.

39
40 Manager Hendershot stated that he hopes that he and council members attending the Marshall
41 County Chamber of Commerce Dinner will be able to meet with the Governor. Councilperson
42 Ward commented that he would like to speak to him concerning the I-68 project being taken off
43 the priority list also.

1 **AARP Program.**

2
3 Manager Hendershot reported that the City of Moundsville is participating in a program with
4 AARP as host sponsor to secure employment for seniors through a program called Senior
5 Community Service. There has never been a program of this type in Marshall County and the
6 City of Moundsville is the first to be involved with this. The city has obtained two seniors for
7 this program. One is working in the City Clerk’s Office and the other is with the Police
8 Department. There is no cost to the City for participating. The cost is covered through the
9 Department of Labor.

10
11 **DUI Reimbursement.**

12
13 The city received a check in the amount of \$1900.42 for DUI patrols during the May 2005 Blitz
14 period. During the blitz, officers worked a total of overtime hours resulting in 84 traffic stops
15 that netted 55 citations.

16
17 **Engineering Review of City Structures.**

18
19 Burgess and Niple has quoted an amount of approximately \$21,000 for the structural and code
20 reviews of the City Building, Public Works garage and the Police Department. Burgess and
21 Niple would like to meet at a Finance Committee Meeting.

22
23 **Review of City Code.**

24
25 Manager Hendershot and Attorney White discussed reviewing the city code concerning the
26 distance between liquor establishments, schools and churches and to standardize city code with
27 the state code.

28
29 Further discussion was held to send this item to the Policy Committee.

30
31 **Forest Management Plan.**

32
33 City Manager contacted John M. Stephens, Appalachian Forest Management to perform the
34 Forest Management Plan at the City of Moundsville landfill.

35
36 Vice Mayor Wallace made a motion to perform the Forest Management Plan for the City of
37 Moundsville landfill, seconded by Councilperson Oiler. Motion carried unanimously.

38
39 **Other Items to be Discussed by the City Manager.**

40
41 **Certificates of Publication by Attorney White.**

1 Attorney White presented legal ads published in the Moundsville Daily Echo to be received and
2 filed by council:
3

- 4 1. Ordinance Concerning WVML Municipal Revenue Enhancement Program
 - 5 2. Ordinance for Zone Change at 1916 First Street
 - 6 3. (3) Civil Action Suits
 - 7 4. Public Hearing Notice for Zone Change at 805 10th Street
 - 8 5. Public Hearing Notice for Zone Change at 713 Seventh Street
- 9

10 Councilperson Haynes made a motion to receive and file the legal ads, seconded by
11 Councilperson Lemasters. Motion carried unanimously.
12

13 **MAYOR ITEMS:**

14
15 * Vice Mayor Wallace expressed his opinion on the need for a Water Treatment Plant in
16 Moundsville.
17

18 **COMMITTEE REPORTS:**

19
20 **Discussion and Approval of Recommendations by the Finance Committee.**

21
22 Vice Mayor Wallace scheduled a Finance Committee Meeting for Wednesday, October 12, 2005
23 at 6:00 p.m.
24

25 **Discussion and Approval of Recommendations by the Traffic Committee.**

26
27 Councilperson Ward scheduled a Traffic Committee Meeting to follow the Finance Meeting.
28

29 **Discussion and Approval of Recommendations by the Policy Committee.**

30
31 Councilperson Oiler scheduled a Policy Committee Meeting to follow the Traffic Meeting.
32

33 **COUNCIL ITEMS:**

34
35 * **Ward** - Nothing at this time.
36

37 * **Oiler** - Asked Manager Hendershot if he had spoken to Mr. Wood about his parking lot.
38 Manager Hendershot advised that planting hedges along the parking lot was discussed at a
39 Zoning Meeting. Manager Henderhsot contacted Mr. Wood who advised him they were going to
40 do something to keep the dust down.
41

42 * Asked Manager Hendershot if he had found out anything concerning the barn next to the
43

1 Stephens house. Manager Hendershot advised that Building Inspector Wise has already talked to
2 the owners and he is working with them..

3
4 * **Lemasters** - Received complaints that people were parking in the middle of the alley at the end
5 of 5th & Cedar Avenue.

6
7 * **Wallace** - Commended the businesses on Jefferson Avenue for upgrading their business fronts
8 and he has noticed more people frequenting the Jefferson Avenue.

9
10 Manager Hendershot noted that the Jefferson Avenue Business District has formed an
11 organization known as the Downtown Business Organization. Their goal is to capitalize on the
12 new business that will be brought into town.

13
14 * **Haynes** - Reported that City Manager Hendershot is working on the bid spec for the sale of
15 copper.

16
17 * Commented that the Solid Waste Authority was set up at the Fairgrounds a couple of weeks
18 ago and collected tires & rims. On the same day, he road down Elm Avenue & Mulberry
19 Avenue a counted 22 tires in that area. The City needs to enforce the ordinance relating to tires
20 in Moundsville.

21
22 Vice Mayor Wallace asked that while the Police Officers are patrolling they write down the
23 locations of these problems so they can be addressed.

24
25 Councilperson Haynes made a motion to adjourn, seconded by Councilperson Lemasters.
26 Motion carried unanimously.

27
28 Meeting adjourned at 7:50 p.m.
29
30
31
32
33

34 _____
Sondra J. Hewitt, City Clerk

Dennis Wallace, Vice Mayor