

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

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on
5 November 1, 2005 at 7:00 p.m.

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

8
9 Invocation by Councilperson Mark Simms.

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

16
17 **MINUTES:**

18
19 **Regular Council Meeting of October 18, 2005.**

20
21 Councilperson Oiler made a motion to accept and approve the minutes of the regular council
22 meeting of October 18, 2005, seconded by Councilperson Ward. Motion carried unanimously.

23
24 **GENERAL PUBLIC HEARING:**

25
26 * Dave White, 406 Clinton Avenue, thanked the city for taking care of the junk vehicles parked
27 in back yards on Clinton Avenue. He also thanked council for the much needed paving of
28 Clinton Avenue. Mr. White requested more patrol during the night, because somebody spray
29 painted the tailgate of his truck. He reported garbage in the yard of a resident on Fourth Street.
30 Mr. White asked how many meetings does a councilperson have to miss before resigning?

31
32 Attorney White stated that the city does not have an ordinance concerning council members, but
33 he will research the issue.

34
35 * Jack N. Cunningham, 516 Tenth Street, said that council asked for his resignation when he was
36 sick during his term on council. Vice Mayor Wallace informed Mr. Cunningham that he will
37 look back in past minutes to see how many meetings he missed before he resigned.

38
39 Mr. Cunningham asked council several questions: How many times can residents call the police?
40 Vice Mayor Wallace answered as many times as they wish. Why does the city have two fire
41 departments? Why doesn't the police do anything about all the drug dealing going on? And, why
42 doesn't the news paper print what the residents attending meetings speak about?

1 * Terry Dunlap, 5 Ford Street, congratulated Moundsville Water Board members and council for
2 their work in finally getting the approval to build the water plant.

3
4 * Lisa Tartar, 1711 Fourth Street, complained that she reported a drug deal going on and the
5 Police Department did not respond. City Manager Hendershot directed that issue to the Chief of
6 Police.

7
8 **OLD BUSINESS:**

9
10 **Discussion and Approval of an Ordinance Concerning Water Bonds for the City of**
11 **Moundsville. (Third and Final Reading)**

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

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

34
35 Councilperson Simms made a motion to accept and approve the Water Bond Ordinance,
36 seconded by Councilperson Ward. Motion carried unanimously.

37
38 **NEW BUSINESS:**

39
40 **Discussion and Approval of an Ordinance Concerning a Zone Change at 713 Seventh**
41 **Street from Civic Service District to a Central Business District. (First Reading)**
42
43

1 Attorney White read the following Zone Change Ordinance by title only to be passed by council
2 on first reading:

3
4 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
5 **VIRGINIA, PROVIDING FOR A ZONING CHANGE OF A CERTAIN DESIGNATED**
6 **AREA AT 713 SEVENTH STREET IN THE CITY OF MOUNDSVILLE FROM A CIVIC**
7 **SERVICE DISTRICT TO A CENTRAL BUSINESS DISTRICT. (FIRST READING)**
8

9 Councilperson Simms made a motion to amend the ordinance (which was a typo-1916 First
10 Street) to read 713 Seventh Street, seconded by Councilperson Ward. Motion carried
11 unanimously.

12
13 Councilperson Simms made a motion to accept and approve the zone change ordinance as
14 amended, seconded by Councilperson Haynes.

15
16 Vice Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.
17 Motion carried unanimously.

18
19 **Discussion and Approval of an Ordinance for a Safety & Health Loss Control Manual for**
20 **the City of Moundsville. (First Reading)**
21

22 Attorney White read the following ordinance by title only to be passed by council on first
23 reading:

24
25 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
26 **VIRGINIA, TO ENACT SECTION 155.17 OF THE EMPLOYEE POLICY**
27 **REGULATIONS PROVIDING FOR A SAFETY AND HEALTH/LOSS CONTROL**
28 **PROGRAM FOR CITY EMPLOYEES. (FIRST READING)**
29

30 Councilperson Simms made a motion to accept and approve an Ordinance Concerning Employee
31 Policy Regulations, seconded by Councilperson Oiler.

32
33 Vice Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.
34 Motion carried unanimously.

35
36 **Discussion and Approval of an Ordinance Concerning the Distance Between Liquor**
37 **Establishments, Schools and Churches. (First Reading)**
38

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

41
42 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
43 **VIRGINIA, AMENDING ARTICLE 1381 OF THE CODE OF THE CITY OF**

1 **MOUNDSVILLE, PERTAINING TO LOCATIONS FOR LIQUOR ESTABLISHMENTS,**
2 **BY AMENDING SECTION 1381.18 OF SAID ARTICLE TO PROVIDE FOR THE**
3 **METHOD OF MEASUREMENTS OF THE 300 FOOT PROHIBITION OF LIQUOR**
4 **ESTABLISHMENTS FROM CHURCHES AND SCHOOLS. (FIRST READING)**
5

6 Vice Mayor Wallace made a motion to approve the above ordinance, seconded by Councilperson
7 Ward.
8

9 Vice Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.
10 Motion carried unanimously.
11

12 **Discussion and Approval of Bids for Copper at the Water Office.**
13

14 Two bids were received for the copper in the amounts of \$300 & \$700. Manager Hendershot
15 recommended that council reject the bids, haul the copper to the Street Department, weigh the
16 copper themselves, then rebid.
17

18 Councilperson Simms made a motion to reject the bids, seconded by Councilperson Ward.
19 Motion carried unanimously.
20

21 **Other Items to be Discussed by Council.**
22

23 **Governor Manchin Declared Holiday.**
24

25 Governor Manchin declared the Friday after Thanksgiving a holiday by taking Lincoln's
26 Birthday and Washington's Birthday in February and making one day as President's Day.
27

28 **MANAGER ITEMS:**
29

30 **American Education Week Proclamation.**
31

32 Representatives from Marshall County Schools will be meeting at the Glen Dale City Building
33 on Thursday, November 10, 2005 at 12:00 p.m. to sign a proclamation declaring American
34 Education Week for Marshall County the week of November 13 to November 19. They are
35 asking for local Mayors or Representatives of the communities to attend.
36

37 **Employee Christmas Bonus.**
38

39 Christmas Bonuses will be given to full time employees in the amount of \$250 and part time \$50.
40 These amounts have already been figured into the budget.
41

42 Councilperson Haynes made a motion to grant employee bonuses, seconded by Councilperson
43 Simms. Motion carried unanimously.

1 **Landfill Bridge Project.**

2
3 Minor adjustments have been made to the contract presented by the state. The contract has been
4 resubmitted and will be sent to the Attorney General's Office for approval. If the Attorney
5 General approves the adjustments, the city will be able enter into the contractual agreement to
6 have the bridge reconstructed at the landfill.

7
8 **Timbering Plan for Landfill.**

9
10 City Manager Hendershot has entered into a contract with John Stephens for timbering of the
11 city's landfill. Mr. Stephens will be the timbering agent, marking the timber and will be
12 charging 10% which is cheaper than others that the Manager had contracted.

13
14 **Free Parking for Holidays.**

15
16 Councilperson Simms made a motion to provide free parking in Moundsville on Saturday's the
17 month of December and two weeks before Christmas, seconded by Councilperson Oiler. Motion
18 carried unanimously.

19
20 **Homeland Security Grant.**

21
22 Manager Hendershot announced that the Fire Department was awarded a grant through the
23 Department of Homeland Security, Assistance to Firefighters Grant Program in the amount of
24 \$15,000. The Federal Government is providing \$14,250 will provide a match of \$750. The
25 monies will enable the fire department to purchase new fire hose, ladders and hose adapters to
26 replace outdated and frayed equipment.

27
28 Councilperson Simms made a motion to authorize the City Manager to enter into a contract with
29 the Department of Homeland Security, seconded by Councilperson Oiler. Motion carried
30 unanimously.

31
32 **Department of Corrections Luncheon.**

33
34 The Department of Corrections has received an excellent award from the American Correctional
35 Association. To celebrate the award and in recognition of their staff they will be hosting a
36 luncheon on Tuesday, November 8, 2005 at 11:00 a.m., at the Regional Jail.

37
38 **Jefferson Extension Sidewalk Project.**

39
40 Senator Kessler provided the City Manager with a copy of a letter received from the West
41 Virginia Department of Transportation regarding the Jefferson Avenue Extension Bridge project.
42 The bridge project is tentatively scheduled to be replaced in 2008.

1 After a brief discussion, council decided to proceed with the sidewalk project because of the
2 pedestrians going to and from Wal-Mart. Manager Hendershot advised that he will contact the
3 Department of Highways and move forward with the project.
4

5 **Other Items to be Discussed by the City Manager.**

6
7 **Legal Ads by Attorney Thomas White.**

8
9 Attorney White presented legal ads published in the Moundsville Daily Echo to be received and
10 filed by council.
11

12 1. Sealed Bids for Copper at the Water Department.
13

14 Vice Mayor Wallace made a motion to receive and file the certificate of publication, seconded by
15 Councilperson Simms. Motion carried unanimously.
16

17 **MAYOR ITEMS:**
18

19 Vice Mayor Wallace congratulated the Water Board, the Water Department Employees and
20 Council for the work they have done and the time they have put into the Water Treatment Plant
21 Project.
22

23 **COMMITTEE REPORTS:**
24

25 **Discussion and Approval of Recommendations by the Finance Committee.**
26

27 Vice Mayor scheduled a Finance Meeting on Tuesday, November 8, 2005 at 6:00 p.m.
28

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

31 Councilperson Simms scheduled a Traffic Meeting following the Finance Meeting.
32

33 **Discussion and Approval of Recommendations by the Policy Committee.**
34

35 Councilperson Oiler scheduled a Policy Meeting following the Traffic Meeting.
36

37 **COUNCIL ITEMS:**
38

39 * **Oiler** - Reported garbage in front of 707 Lockwood Avenue. Manager Hendershot advised that
40 he has left a message for Commissioner Richmond.
41

42 * Directed a comment to Mrs. Tartar asking her to continue reporting problems in her
43 neighborhood to the police department.

1 * Directed a comment to Mr. Cunningham telling him that he is not doing the citizen's in
2 Moundsville any good by turning the other cheek & not reporting problems to the police
3 department.

4
5 * **Simms** - Reported that the median at 6th & Lafayette Avenue has a large amount of gravel
6 laying beside it.

7
8 * **Ward** - Nothing at this time.

9
10 * **Lemasters** - Noted that the Tire Amnesty Project is coming up this month, hopes that Marshall
11 County & Moundsville citizens take advantage of it.

12
13 * Asked that the door at the prison garage be fixed, it has been sprung.

14
15 * Wished to thank the Sanitation Department for an excellent job picking up excess garbage.
16 City Manager Hendershot commented that the city is going to have to address the volume of
17 garbage that citizen's are putting out.

18
19 * Asked if the street sweeper is working good. Sweeper operator Kevin Wallace reported that
20 the sweeper is picking up very well.

21
22 * Commented that the city did pave the alley beside Sanford School for employees to use. Also,
23 if the School Board decides to close some of the schools in Moundsville, they need discuss
24 having them demolished instead of leaving them set empty like the Moundsville Jr. High School.

25
26 Manager Hendershot noted that in his discussions with Board Members and Mr. Renzella he
27 stressed that the city hopes the School Board has plans for the buildings.

28
29 * **Haynes** - Nothing at this time.

30
31 Councilperson Haynes made a motion to go into an Executive Session for contractual and real
32 estate matters, seconded by Councilperson Lemasters. Motion carried unanimously.

33
34 Meeting adjourned at 7:54 p.m.

35
36 Executive Session began at 8:00 p.m.

37
38 Executive Session adjourned at 8:32 p.m.

39
40 Regular Session reconvened at 8:32 p.m.

41
42 Councilperson Simms made a motion to adjourn, seconded by Councilperson Oiler. Motion
43 carried unanimously.

Meeting adjourned at 8:32 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Vice Mayor