

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **JUNE 21, 2006**

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on June
5 21, 2006.

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

8
9 Invocation by Councilperson Simms.

10
11 Acting City Clerk Ankrom called the roll and the following council persons were in attendance:
12 Wallace, DiRemigio, Lemasters, Oiler, and Simms. Also present: City Manager Hendershot, Police
13 Chief Kudlak, Fire Assistant Chief Ullom, Street Commissioner Richmond, Building Inspector
14 Wise, Attorney Thomas White, and CPA Tom Dobbs. Absent: City Clerk Hewitt (ill).

15
16 **MINUTES:**

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18 **Regular Council Meeting of June 6, 2006:**

19
20 Councilperson DiRemigio made a motion to accept and approve the minutes of the regular meeting
21 of June 6, 2006, seconded by Councilperson Oiler. Motion carried.

22
23 **GENERAL PUBLIC HEARING:**

24
25 *Gary Hinerman of 17 Elm Avenue expressed concern about the house at 15 Elm Avenue that has
26 been vacant since October. The grass has not been maintained, there is trash and broken glass strewn
27 about, and a door has been broken off the hinges. He contacted the Police Department and was
28 assured that a Work Order was to be given to the Chief on Friday June 16. Chief Kudlak informed
29 that officers discovered that the property is in the middle of foreclosure and contact with the bank
30 has been made. Manager Hendershot affirmed that if some kind of action is not taken by the owner
31 of record, the City will take further steps. The Manager also asked Inspector Wise to investigate.

32
33 *Don Childers of 3 South Highland Avenue has contacted the City Building numerous times about
34 the condition of this section of road. Manager Hendershot confirmed that City officials are
35 investigating whether this is a City street, since it has never been maintained as other city streets.
36 Mr. Childers also informed Council that he has contacted American Electric Power regarding a tree
37 that is laying across power lines. AEP has agreed to drop their lines to let the tree fall, but the cable
38 company has not been as cooperative. Although it is not on City property, Manager Hendershot
39 agreed to make contact with the companies to try to resolve the issue.

40
41 *Dave White of 406 Clinton Avenue inquired as to what action can be taken on 410 Clinton Avenue.
42 He has discussed with Councilperson Lemasters about the high grass and garbage lying about.
43 Manager Hendershot affirmed that a work request will be relayed to the Police Department. He also

1 expressed concern about 408 Clinton Avenue, where there is an old gas tank and snowmobile lying
2 behind the house. This will also be referred to the Police Department. Mr. White asked about the
3 meaning of the motto "Progress through Unity" on the welcome sign at the Jefferson Avenue
4 extension. After brief explanation from Mayor Wallace and Councilperson DiRemigio, Mr. White
5 expressed his disappointment at the delayed response from the Police Department on certain issues.
6 Chief Kudlak addressed his concern, relating to an issue of a dog being abused, by explaining that
7 sometimes it is difficult for the Police Officers, who have the law enforcement power, and the
8 Animal Wardens, who have the animal relations training, to be available at the immediate time that
9 a complaint is received.

10 11 **OLD BUSINESS:**

12 13 **Discussion and Approval of an Ordinance to Amend Public Safety Fee. (Second & Final** 14 **Reading)**

15 16 **An Ordinance of the Council of the City of Moundsville, West Virginia, Amending and** 17 **Reenacting Section 759.01 of the Code of The City of Moundsville, Pertaining to the Public** 18 **Safety Fee Amending the Time of Payment Thereof.**

19
20 Councilperson Lemasters made a motion to accept and approve the ordinance to amend the time of
21 payment for the Public Safety Fee, seconded by Councilperson Oiler. Mayor Wallace reiterated that
22 this was not an increase in the fee itself. Attorney White confirmed that this ordinance is merely
23 amending the billing month and correcting a minor error from the previous amendment. Motion
24 carried.

25 26 **NEW BUSINESS:**

27 28 **Discussion and Approval of Appointments to Vacant Council Seats.**

29
30 Mayor Wallace read the names that were submitted for consideration and are eligible for the seats.
31 For the First Ward: S. Cole Simms, Victor E. Hess, Larry Vucelick, and Paul G. Haynes. For the
32 Second Ward: Trevor Goode, Charles Wolfe, and David L. Wood. Mayor Wallace announced that
33 Victor Hess asked for his name to be withdrawn from eligibility.

34
35 Councilperson DiRemigio requested that Council vote by ballot, with CPA Dobbs and Acting Clerk
36 Ankrom tallying the votes. Attorney White explained that a "secret" or written ballot, regardless of
37 whether the vote results are read aloud, is in direct violation of the Ethics Commission regulations
38 and Open Governmental Meetings Law; and in violation of City Ordinances, which were amended
39 to conform to these regulations. Attorney White also explained that this is not an actual election,
40 but an appointment by Council, which is open even to residents who did not submit a formal request
41 for consideration.

1 After debate over the options available, Mayor Wallace made the motion to appoint Paul Haynes to
2 the First Ward seat, seconded by Councilperson Lemasters. After brief discussion, Mayor Wallace
3 withdrew his motion, and it was agreed to have each Councilperson state their selection.

4	Wallace	Paul Haynes	DiRemigio	S. Cole Simms
5	Simms	S. Cole Simms	Oiler	Paul Haynes
6	Lemasters	Paul Haynes		

7 Paul Haynes will serve the unexpired term for the First Ward until December 31, 2006. Clarification
8 was made that the top vote-getter in the November election will fulfill only a two year term.

9
10 Mayor Wallace again read the names for the Second Ward seat.

11	Simms	David Wood	DiRemigio	David Wood
12	Lemasters	David Wood	Oiler	David Wood
13	Wallace	David Wood		

14 David Wood will serve as Second Ward councilperson until December 31, 2006. Mayor Wallace
15 encouraged all of the contenders to get on the ballot for November.

16 17 **Discussion of RFQ for Preliminary Engineering Study for City Building Improvements.**

18
19 Manager Hendershot explained that four statements of qualifications were received from local
20 engineering firms: Edge & Associates out of Wheeling, E L Robinson from Charleston, McKinley
21 & Associates of Wheeling, and Valley Engineering & Construction Company from Wheeling.
22 According the "5 G Engineering Selection Process," this list needs to be narrowed down to three
23 firms, which can be done either by an appointed sub-committee of City Council interviewing each
24 of the four companies; or Council can now pare the field to three and accept presentations from the
25 remaining firms. This process was followed in previous projects by the Sanitary Board, and the
26 Manager has worked with Scott Hicks of BelOMar. The Manager explained that he is following this
27 process so that preliminary work will be done, should the City need to seek grant money, for the
28 needed building repairs, in the future.

29
30 Councilperson Simms questioned the time stamp of 10:40 am on the Valley Engineering statement.
31 Manager Hendershot explained that the representative was caught in traffic, therefore, their
32 information was received ten minutes after the published deadline. After discussion, Council elected
33 to exclude the late entry.

34
35 A Special Council Meeting will be called, after the next scheduled meeting, allowing at least one
36 hour for each firm to make their presentation.

37 38 **Discussion of Timber Sale.**

39
40 Manager Hendershot explained that no timber bids were received. The timber agent explained to
41 Office Supervisor Hess that this may have been due to the limited time frame; the low water bridge
42 project beginning July 5 and the expected capping of the landfill next spring allowed less than the
43 desired year and a half. The Manager stated that the project will go out for bid again after the bridge

1 is completed. Manager Hendershot explained that he was trying to complete this project before the
2 capping, since the DEP will clear-cut the area used for capping, therefore cutting into the timber
3 available for sale. Discussion was held on the options available, and Attorney White explained that,
4 should the City choose to handle this process directly, the service of harvesting the timber could be
5 contracted, but the actual sale of the timber would have to be sold at auction.

6
7 **Discussion and Approval of Requisition #7 for the Moundsville Water Treatment Plant**
8 **Project.**

9
10 Councilperson Simms made the motion to approve Requisition #7 for the Moundsville Water
11 Treatment Plan Project, seconded by Councilperson Oiler. Motion carried.

12
13 Manager Hendershot stated that walls are beginning to go up at the new plant and progress is more
14 visible.

15
16 **Legal Ads to be Received and Filed.**

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18 Attorney White asked for several legal ads to be received and filed. Councilperson Simms made the
19 motion to receive and file the ads, seconded by Councilperson Oiler. Motion carried.

20
21 **MANAGER ITEMS:**

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23 **Justice Assistance Grant of \$28,000.00.**

24
25 Manager Hendershot congratulated the Police Department on the approval from the State of WV for
26 continuation of the PRO Grant for Moundsville Junior High. The Junior High, School Board, and
27 State officials have commended the Police Department on the effectiveness of the program.

28
29 **Business After Hours "Picnic At The Barn."**

30
31 Manager Hendershot stated that the June 22 Business After Hours will be held at "The Barn."

32
33 **MAYOR ITEMS:**

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35 * Mayor Wallace reiterated that it was a very difficult to choose between those eligible for the vacant
36 council seats. He again encouraged residents to run in the November election and stated that it is
37 quite a learning experience to be on council and have a voice in the governmental process. He went
38 on to congratulate Mr. Haynes and Mr. Wood, and stated his hope that those who were not selected
39 will not lose sight of their goals.

40
41 **COMMITTEE REPORTS:**

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

1 Councilperson Lemasters stated that no action was taken at the Finance Committee meeting. The
2 City is 92% through the budget, and a surplus is still being projected for the end of the fiscal year.
3 He congratulated the department heads for doing such a good job of controlling their spending.
4

5 **Discussion and Approval of Recommendations by the Traffic Committee.**
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7 Councilperson Simms reported that one handicap request was denied due to failure to meet the
8 requirements, and the 2007 paving list was reviewed, but no further action was taken
9

10 **Discussion and Approval of Recommendations by the Policy Committee.**
11

12 Councilperson Oiler reported that Betty Burkett presented information on a Dog Chain Law that she
13 is investigating. Manager Hendershot stated that the information she has compiled will be made
14 available for all members. Councilperson Oiler explained the difference between a "chain" law and
15 the "leash" law that is already in effect. He also briefly explained some other information that she
16 has gathered.
17

18 **COUNCIL ITEMS:**
19

20 ***DiRemigio** - Apologized for sometimes taking the opposite point of view on various issues, but
21 he likes to keep the discussions interesting.
22

23 ***Thanked residents** for their cooperation in helping the City move forward. Although the population
24 is declining throughout the Northern Panhandle, he expressed his vision of keeping the taxes and
25 fees at current levels and building on the base population in order to keep Moundsville thriving.
26

27 ***Expressed his presumption** that the newly-appointed councilmen will be an asset, and encouraged
28 all of the gentlemen to run in the November election.
29

30 ***Lemasters** - Requested a report on the Pearl Street trailers. Manager Hendershot explained that
31 one of the property owners has had one structure razed and is in the process of finding a new
32 contractor for the remaining trailers.
33

34 ***Oiler** - Congratulated Mr. Wood and Mr. Haynes, and expressed his hope that the remaining
35 gentlemen will not be deterred from the upcoming election.
36

37 ***Asked Manager Hendershot** to follow up with Dr. Wood on the bushes that were to be planted this
38 past spring.
39

40 ***Requested that Street Commissioner Richmond** look at the gravel problem on Purdy Avenue.
41 Commissioner Richmond explained that, in his opinion, black-topping may need to be done by the
42 property owner, and the City workers could put in a "lip" or "header," but it would only be a
43 temporary fix.

1 ***Simms** - Made a motion to adjourn, seconded by Councilperson Lemasters. Motion carried.

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3 Meeting adjourned at 8:06 p.m.
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Karen L. Ankrom, Acting City Clerk

Dennis Wallace, Mayor