

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
NOVEMBER 4, 2003**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on November 4, 2003 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson K. Mark Simms.

City Clerk called the roll and the following council persons were in attendance: DiRemigio, Lemasters, Oiler, Simms, Trussell, Ward and Wallace. Also present: City Manager Hendershot, City Attorney Thomas White, Police Chief Kudlak, Fire Chief Clarke, Street Department Working Foreman Chuck Richmond, CPA Tom Dobbs, Building Inspector Don Wise and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of October 21, 2003.

Councilperson DiRemigio made a motion to accept and approve the minutes of the regular council meeting of October 21, 2003, seconded by Councilperson Lemasters. Motion carried unanimously.

Special Council Meeting of October 28, 2003.

Councilperson Lemasters made a motion to accept and approve the minutes of the special council meeting of October 28, 2003, seconded by Councilperson Trussell. Motion carried unanimously.

PRESENTATION:

* Mayor Wallace presented a Certificate of Appreciation to Thomas James for his efforts in making the Charles Lindbergh historic marker possible.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson Trussell updated council on the West Virginia Northern Community College classes in Moundsville. It was determined that two full requirement courses, Sociology and Intro to Psychology may be offered. An orientation for public response has been tentatively scheduled for December 6, 2003 at the Moundsville Jr High School.

NEW BUSINESS:

Discussion and Approval of an Ordinance Concerning Rates, Charges and Fees of the City of Moundsville Water System. (First Reading)

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

AN ORDINANCE OF THE CITY OF MOUNDSVILLE ESTABLISHING AND FIXING RATES, CHARGES AND FEES FOR SERVICE TO CUSTOMERS OF THE WATER SYSTEM OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA. (FIRST READING)

Councilperson Lemasters made a motion to accept and approve the Water Board ordinance, seconded by Councilperson Simms for discussion.

James Kelsh, Attorney for the Moundsville Water Board, explained to council the changes on the Water Board ordinance. Mr. Kelsh noted that the total project cost of \$11,950,000 plus \$500,000 to refinance the debt for river bank stabilization project has not changed, this is a total of \$12,450,000. Since the Moundsville Water Board rates are one of the lowest in the state, the Infrastructure Council will not provide any grants, all the monies must be loaned. However, the Water Board did obtain a \$1.4 million grant from DEP under the Abandoned Mine Land Program. The board also obtained a grant from Congressman Mollahan's Office through a State & Tribal Assistance Grant of \$2.169 million. With the total amount of grants of \$3,564,000 toward the \$12,450,000, leaving \$8,881,000 to fund. The balance was going to be paid off with a combination of a \$4.8 million loan from U S Department of Agriculture Rural Utility Services payable over 38 years at 4 5/8% interest and the remainder through the WDA. RUS withdrew their loan making it necessary to finance the full amount through the Water Development Authorities. Do to the change in the payment method, the proposal has increased to \$10 million over 30 years at 6% interest. The rate proposed in June, 2003 to the average customer using 4500 gallons was \$17.78 month, since changes have occurred in the finances, the rates to the average customer using 4500 gallons would be \$21.07 per month.

After a lengthy discussion, Councilperson DiRemigio noted that this is an increase of 140%.

Councilperson DiRemigio asked Tom Dobbs the reasons for using figures on 30 years instead of 38, 39 or 40 years. Mr. Dobbs informed council the reason for the 30 year loan was to save over \$4 million in payments as opposed to 38 years. Councilperson DiRemigio stated that he would like to see what the figures would be for 38, 39 or 40 years.

Councilperson Lemasters made a motion for a recess to allow Tom Dobbs to retrieve the figures for a 39 year loan, seconded by Councilperson Simms. Motion carried unanimously.

Meeting recessed at 8:05 p.m.

Meeting reconvened at 8:18 p.m.

Mayor Wallace called for a ballot vote on the ordinance. City Clerk announced the following tally. 5 yeas, 2 nays. DiRemigio and Trussell voting nay. Motion carried.

Councilperson DiRemigio made a motion to instruct Attorney James Kelsh to draft two separate ordinances containing the figures for the 39 year and 40 year loan, seconded by Councilperson Trussell. Motion carried unanimously.

Discussion and Approval of a Resolution of the Moundsville Water Board Recommending the Adoption of a Municipal Water Rate Ordinance by the Moundsville City Council.

No action was taken on this resolution.

Discussion and Approval of the Purchase of a John Marshall Basketball Ad from the City of Moundsville.

Councilperson Simms made a motion to approve the purchase of a John Marshall Basketball ad for the City of Moundsville, seconded by Councilperson Lemasters. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City Manager to Enter into a Contractual Agreement with the WV Development Office, Community Partnership Grant Program for a Grant for Economic Development at the Former West Virginia Penitentiary.

Councilperson Simms made a motion to authorize the City Manager to enter into a contractual agreement for a grant at the former WV Penitentiary, seconded by Councilperson Lemasters. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City Manager to Enter into a Contractual Agreement with the WV Development Office, Local Economic Development Assistance Program for a Grant to Perform Repairs at the City Garage.

Councilperson Trussell made a motion to authorize the City Manager to enter into a contractual agreement for a grant to perform repairs at the city garage, seconded by Councilperson Simms. Motion carried unanimously.

Discussion and Approval of a Resolution Concerning Multi-Jurisdictional Hazard Mitigation Plan.

Councilperson Simms made a motion to approve the resolution concerning multi-jurisdictional hazard mitigation plan, seconded by Councilperson Lemasters. Motion carried unanimously.

MANAGER ITEMS:

Appointment to the Parks & Recreation Commission. (Council Appointment)

City Manager Hendershot advised council that no other letter of intent, except for Jane Klug, were submitted for the expired term on the Parks & Recreation Commission.

Councilperson DiRemigio made a motion to reappoint Jane Klug on the Parks & Recreation Commission for a six year term, seconded by Councilperson Oiler. Motion carried unanimously.

MAYOR ITEMS:

Discussion and Approval of the Mayor's Proclamation Concerning West Virginia Click It or Ticket Challenge 2004 for the Months November, December 2003 and March, April 2004.

Councilperson Simms made a motion to authorize Mayor Wallace to sign the Click It or Ticket Challenge 2004, seconded by Councilperson Lemasters. Motion carried unanimously.

WVML West Virginia Legislative Committee.

Mayor Wallace announced that the West Virginia Municipal League will hold a Legislative Committee meeting on November 21, 2003 at 11:00 a.m. in Charleston. The purpose of the meeting is to discuss issues pending before the committee and to begin the agenda for the 2004 West Virginia Legislative Session.

American Flag and Flag Pole Dedication.

Mayor Wallace commended Attorney Thomas White for donating the American Flag and Flag Pole to the Library. The dedication was nice and turn out was good.

West Virginia Municipal League Board of Directors.

Mayor Wallace announced that the West Virginia Municipal League has appointed Councilperson Mark Simms to the Board of Directors.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. The Finance Committee recommended to donate \$250 to the Boys & Girls Club.

Councilperson Simms made a motion to donate \$250 to the Boys & Girls Club, seconded by Councilperson Lemasters. Motion carried unanimously.

2. The Finance Committee recommended free parking on Saturdays on trials basis and for two week grace period during Christmas Holidays.

Councilperson Simms made a motion to allow free parking on Saturday, December 6 & 13, 2003 on a trial basis and for two weeks, December 15th thru December 29th, 2003, grace period during Christmas Holidays, seconded by Councilperson Trussell. Motion carried unanimously.

3. The Finance Committee recommended Christmas Bonus of \$250 for full time and \$50 for part time employees.

Councilperson Lemasters made a motion to give full time employees \$250 and part time employees \$50 for Christmas bonus, seconded by Councilperson Trussell. Motion carried unanimously.

4. The Finance Committee recommended following the states decision in granting employees the day after Thanksgiving, Christmas and New Years as days off.

Councilperson Trussell made a motion to grant employees the day after Thanksgiving, Christmas and New Years as days off following the states decision, seconded by Councilperson Lemasters.

Mayor Wallace called for a roll call vote. City Clerk announced the following tally. 6 yeas, 1 nay. Ward voting nay. Motion carried.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Request for a handicapped sign at 1711 Fourth Street.

Councilperson Ward made a motion to send this matter to the Traffic Committee for review, seconded by Councilperson Trussell.

Councilperson Simms made a motion to table this matter until council can look at situation and present it at the next regular council meeting, seconded by Councilperson Wallace. Motion carried unanimously.

2. Councilperson Trussell asked that “No Left Turn” can also be discussed at the intersection of First Street & Jefferson Avenue. Chief Kudlak will perform a traffic study at that intersection.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion on sanitation commercial accounts and possible ways to address excess trash. City Manager will research and present recommendation to council.
2. Discussion on the Hippa Law. City Manager is still compiling information.
3. Discussion on Internal Controls and Accounting Policy Procedures Manual. Committee recommends the City Attorney to draft an ordinance.

Councilperson Simms made a motion to direct the City Attorney to draft an ordinance concerning Internal Controls and Accounting Policy Procedures Manual, seconded by Mayor Wallace. Motion carried unanimously.

4. Discussion of the Return to Work Policy. City Manager will present to council when prepared.
5. Committee recommended that City Attorney White finalize the ordinances pertaining to the municipal election changes as soon as possible.

COUNCIL ITEMS:

- * **DiRemigio** - Spoke to Councilperson Simms concerning the Federal Government changing guidelines for municipalities with combined sewer overflows.
- * Thanked Attorney Tom White for donating the flag & flag pole to the library.
- * Thanked fellow council members for bearing with him during the discussion of the Water Rate Increase ordinance.
- * **Lemasters** - Nothing at this time.
- * **Oiler** - Thanked the Street Department for patching Lockwood Avenue, Seventh Street and Eighth Street.
- * **Simms** - Nothing at this time.
- * **Trussell** - Received a complaint of a vacant house at 2300 First Street, windows have been broken out.
- * Noted that the flag dedication was a success and thanked Tom White for the donations.
- * Asked that council members send a sympathy card to the family of A. James Manchin.

* **Ward** - Thanked Councilperson DiRemigio for his vigilance concerning the Water Rate Ordinance.

* Thanked Councilperson Trussell for her comments concerning the flag dedication.

Councilperson Ward made a motion to go into an Executive Session for Personnel Matters, seconded by Councilperson Trussell. Motion carried unanimously.

Meeting recessed at 9:00 p.m.

Executive Session convened at 9:02 p.m.

Executive Session recessed at 9:07 p.m.

Regular Session reconvened at 9:07 p.m.

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

Meeting adjourned at 9:08 p.m.

Sondra J. Hewitt, City Clerk

Denny Wallace, Mayor