

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
JANUARY 6, 2004**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on January 6, 2004 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson K. Mark Simms.

Acting 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, Police Chief Kudlak, Firefighter Whitwam, Street Foreman Chuck Richmond, Building Inspector Wise, Attorney Tom White, CPA Tom Dobbs, and Acting City Clerk Ankrom. Absent was City Clerk Hewitt (vacation).

MINUTES:

Regular Council Meeting of December 16, 2003.

Councilperson DiRemigio made a motion to accept and approve the minutes of the regular session of December 16, 2003, seconded by Councilperson Simms. Motion carried unanimously.

PRESENTATION:

*** Transportation Enhancement Grant Presentation by State Delegate Varner with State Senator Kessler and Delegate Tucker.**

Mayor Wallace introduced State Delegate Scott Varner who, with State Senator Jeff Kessler and Delegate Ken Tucker, presented a Transportation Enhancement Grant in the amount of \$52,800 for the Jefferson Avenue Extension Sidewalk Project.

GENERAL PUBLIC HEARING:

* Mr. Lyle Powell of 2105 Center Street was in attendance to learn more about ATV ordinance.

OLD BUSINESS:

None.

NEW BUSINESS:

Discussion and Approval of an Ordinance Relating to the Municipal General Election. (First Reading)

Attorney White read the following ordinance by title only to be passed by Council on First Reading.

An Ordinance of the Council of the City of Moundsville, West Virginia Amending and Reenacting Sections of the Charter of the Said City of Moundsville to Establish Election Days for City Council Members to Coincide with County and State General Elections, and to Revise Council Terms and Mayoral Terms in Conformity Therewith.

Councilperson DiRemigio made a motion to approve the ordinance, seconded by Councilperson Oiler.

Councilperson Simms encouraged the media to promote and explain why this change is being made. Mayor Wallace reiterated that this is a step to save the City money and have increased voter turnout. A ballot vote was tabulated; 7 “yeas.” Motion carried unanimously.

Discussion and Approval of an Ordinance Prohibiting the Operation of Certain Motorized Recreational Apparatus in Recreational Areas. (First Reading)

Attorney White read the following ordinance by title only to be passed by Council on First Reading.

An Ordinance of the City of Moundsville to Provide for a Prohibition Against the Operation of Certain Motorized Recreational Apparatus within the Corporate Limits of the City of Moundsville upon Publicly Owned, Leased or Controlled Parks and Recreational Areas, Including Sidewalks and Walking Trails; to Make the Operation of Such Apparatus a Criminal Offense; to Provide Penalties Therefore; and to Provide Exceptions, Which Ordinance Shall be Codified as Article 355 of the Code of the City of Moundsville.

Councilperson DiRemigio made a motion to approve the ordinance, seconded by Councilperson Simms for discussion. Attorney White summarized the ordinance at Councilperson Simms’ request; the ordinance does not address City streets or sidewalks, it pertains to recreational areas only, including the new walking trail.

After discussion, Councilperson DiRemigio made a motion to amend the ordinance to include the word “autos” as a banned vehicle on the walking trails, Councilperson Oiler seconded. Motion carried unanimously.

A ballot vote was taken on the original motion to approve the ordinance; 7 “yeas.” Motion carried unanimously.

Discussion and Approval of an Ordinance to Provided for an Administrative Fee for Suspension

and Reinstatement of Drivers License Privileges as a Result of Unpaid Municipal Fines. (First Reading)

Attorney White read the following ordinance by title only to be passed by Council on First Reading.

An Ordinance of the Council of the City of Moundsville, West Virginia, Adding Section 171.15 to the Municipal Code of the City of Moundsville to Provide for an Administrative Fee to Defer Costs for Suspension and Reinstatement of Drivers License Privileges as a Result of Unpaid Municipal Fines and Costs or Failure to Appear Before the Municipal Court of the City of Moundsville for Certain Motor Vehicle Offenses.

Councilperson Trussell made a motion to approve the ordinance on first reading, Councilperson DiRemigio seconded. City Manager Hendershot explained that this is a measure to compensate the City for time and expense involved in submitting paperwork to the State for suspending and reinstating drivers licenses for unpaid fines. The money will go into the General Fund. A ballot vote was tabulated; 7 “yeas.” Motion carried unanimously.

Marshall County Society for Crippled Children donation to Recreation Department.

Councilperson Lemasters presented a check for \$350 that Jane Klug received from the Marshall County Society for Crippled Children as a donation toward the cost of the handicap-accessible water fountains that were installed at Four Seasons Pool. Mayor Wallace asked City Manager Hendershot to send a “Thank You.”

Legal Advertisement Publication of Proposed Ordinance to Change Charter to Change Municipal Elections.

Attorney White presented an invoice for the publication of a legal ad for the proposed ordinance to change the City Charter to change the Municipal Elections. It was also published that a public hearing will be held at the next Council Meeting. Councilperson Lemasters motioned to receive and file the advertisement, Councilperson Simms seconded. Motion carried unanimously.

MANAGER ITEMS:

Vacancy on Moundsville Water Board.

City Manager Hendershot pointed out that the deadline to submit names for the Water Board Vacancy is January 14; this is a Council appointment. Councilperson DiRemigio questioned whether a member of another City Board can apply; Attorney White is researching this issue. Councilperson Trussell encouraged all City residents with an interest to apply.

Thank You Letter from Robert Munn.

City Manager Hendershot received a letter from Robert Munn thanking Sgt Kaemmerling and Officers Allman and Milbert for their service in relation to an employee's death.

Appointment to Historical Landmarks Commission.

City Manager Hendershot received only one application, from Tom Vickers, for an appointment to the Historic Landmarks Commission; Mr. Vickers will be re-appointed by the Manager.

Bids Received for Fourth of July Fireworks.

City Manager Hendershot received only two quotes after re-bidding the fireworks for the Fourth of July; the second bid was more specific as to the number and size of shells. Zambelli Fireworks returned with the cost of \$11,000; Pyrotechnico offered the same price of \$11,000, but can decrease the size of the shells for the opening and finale for \$10,000. Councilperson DiRemigio suggested that the City Manager check Pyrotechnico's references. Councilperson Trussell made a motion to give the City Manager discretion of choosing the vendor after checking these references, Councilperson DiRemigio seconded. Motion carried unanimously.

Property, Auto, and General Liability Insurance Quotes.

City Manager Hendershot has received bids for the City's property, auto and general liability insurance, and a company is working on quotes for law enforcement, employee, and public official liability. At this time, two companies are interested in assisting the City. Councilperson Simms asked if adding the Water and Sanitary departments to the policy would provide for additional savings for all three entities; Manager Hendershot will present this option.

MAYOR ITEMS:

*Mayor Wallace was contacted by Mr. Shreve of the Antique Power Association seeking local government support in acquiring property on Twelfth Street. Mayor Wallace intends to send a letter expressing support; Councilperson Simms asked that he send a letter from all of Council. City Manager Hendershot has already expressed his support. There will be no zoning issues since the association has no intention to erect any structures. Building Inspector Wise confirms that electrical sources can be built above the flood plain and there are some zoning exceptions.

*Mayor Wallace expressed his pleasure at the small steps that are being taken in Moundsville's progress. He is optimistic that the City is headed in the right direction.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson DiRemigio called a Finance Meeting for January 13 at 6:00 PM, with Traffic and Policy immediately following.

Discussion and Approval of Recommendations by the Traffic Committee.

Meeting to be held January 13 immediately following the Finance Committee meeting.

Discussion and Approval of Recommendations by the Policy Committee.

Meeting to be held January 13 immediately following the Traffic Committee meeting.

COUNCIL ITEMS:

* **DiRemigio** - Asked Tom Dobbs to look into why the water bills cannot be paid at the City Building on the due date without being charged a penalty and correct the problem, if one exists.

*Reiterated the Mayor's optimism about the blessings that the City has received and the opportunities of new business openings.

*Wants to reinstate the "Praise Excellent People" awards. He explained the criteria for the new Council members and is working with the City Manager to hang a plaque in the Council Chamber listing all honorees. He asked for a list of all previous nominees and would like to begin at the next meeting.

*Thanked the Police Department for their fine work.

*City Manager Hendershot asked for a moment to mention that photos of City Mayors are still needed.

* **Lemasters** - Thanked Karen Ankrom for filling in for City Clerk Hewitt while she's on vacation.

* Asked about the Water Board meeting scheduled for Thursday. City Manager Hendershot explained that Commissioner Padlow requested the Water Board to meet with PSD representatives to clarify misinformation involved with the new water treatment plant and increased rates. Councilperson DiRemigio asked the City Manager to keep Council informed of the situation.

* **Oiler** - Thanked the State Representatives for the grant presentation.

* **Simms** - Is also thankful for the grant award.

* **Trussell** - Expressed thanks for the grant monies.

* Thanked Building Inspector Wise for his assistance to one of her constituents.

* City Manager Hendershot commented that the awarded grant was received because of the efforts of former City Manager Oliver Jenkins.

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

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

Meeting adjourned at 7:55 p.m.

1

Karen L. Ankrom, Acting City Clerk

Dennis Wallace, Mayor