

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
JANUARY 20, 2004**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on January 20, 2004 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, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Vickers, Attorney Tom White, CPA Tom Dobbs, and City Clerk Hewitt.

**MINUTES:**

**Regular Council Meeting of January 6, 2004.**

Councilperson DiRemigio made a motion to accept and approve the minutes of the regular council meeting of January 6, 2004, seconded by Councilperson Ward. Motion carried unanimously.

**PUBLIC HEARING:**

**Public Hearing Concerning a Charter Change for the Municipal General Election.**

Mayor Wallace announced that anyone wishing to speak concerning the charter change may do so after stating their name and address. Mayor Wallace closed the public hearing since no response by the public was voiced.

Mayor Wallace commented that council's reason for changing the charter for the municipal election is that each time the city holds an election, the cost is between \$10,000 and \$12,000. This will save the city approximately \$6,000. Also, the voter turn out will increase.

Mayor Wallace closed the public hearing for the charter change at 7:07 p.m.

**OLD BUSINESS:**

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

Attorney White read the following ordinance by title only to be passed by council on second 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 accept and approve the charter change ordinance, seconded by Councilperson Lemasters.

Mayor Wallace called for a ballot vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

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

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

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA 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. (SECOND READING)**

Councilperson DiRemigio made a motion to accept and approve the above ordinance, seconded by Councilperson Lemasters for discussion.

Councilperson Lemasters asked that the ordinance be amended to permit the City Manager to authorize exceptions to this ordinance because at times numerous games are being played on the baseball fields when dragging the fields becomes necessary to use ATV's.

Councilperson DiRemigio made an amendment to the ordinance to authorize the City Manager to use his discretion to grant permission at certain times, seconded by Councilperson Simms. Motion carried unanimously on the amendment.

Attorney White advised that it was suggested to him that the ordinance was previously amended to provide not only ATV's but automobiles prohibited on the walking trails. Automobiles should be extended to say motor vehicles, such as motorcycles, go carts, etc. Councilperson DiRemigio made the motion, seconded by Councilperson Oiler. Motion carried on the amendment unanimously.

Mayor Wallace called for a ballot vote on the original motion. City Clerk announced the following tally. 7 yeas. Motion carried.

**Discussion and Approval of an Ordinance to Provide for an Administrative Fee for Suspension and Reinstatement of Drivers License Privileges as a Result of Unpaid Municipal Fines. (Second Reading)**

Attorney White read the following ordinance by title only to be passed by council on second 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 VEHICLES OFFENSES. (SECOND READING)**

Councilperson Trussell made a motion to accept and approve the above ordinance, seconded by Councilperson Lemasters.

City Manager Hendershot advised that the fee originally recommended was \$15, the \$10 fee was inadvertently put into the ordinance. This would be council's decision to amend the ordinance to change the fee from \$10 to \$15.

Councilperson Ward made a motion to amend the ordinance increasing the fee from \$10 to \$15, seconded by Councilperson Wallace. Motion carried unanimously to amend the ordinance.

Mayor called for a ballot vote on the original motion. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

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

\* Mayor Wallace wished to thank Councilperson Trussell for her efforts to organize classes through West Virginia Northern Community College and Marshall County Board of Education to be held at the Moundsville Jr High School.

**NEW BUSINESS:**

**Discussion and Approval of an Ordinance Concerning Occupational Injury Management Program. (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, WEST VIRGINIA, PROVIDING FOR AN OCCUPATIONAL INJURY MANAGEMENT PROGRAM WITH RETURN-TO-WORK POLICIES THROUGH THE WEST VIRGINIA WORKER'S COMPENSATION COMMISSION. (FIRST READING)**

Councilperson DiRemigio made a motion to accept and approve the above ordinance, seconded by Councilperson Simms.

Mayor Wallace called for a ballot vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

**Discussion and Approval of a Resolution to Close Inactive Accounts.**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA APPROVING FINANCIAL ACCOUNTS TO BE CLOSED AND TRANSFER FUNDS TO THE GENERAL FUND OR OTHER ACCOUNTS.**

Councilperson Simms made a motion to accept and approve the resolution to close inactive accounts for the City of Moundsville, seconded by Councilperson Lemasters. Motion carried unanimously.

**Discussion and Approval of a Resolution to Adopt Internal Controls and Accounting Policies.**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, ADOPTING THE CITY OF MOUNDSVILLE INTERNAL CONTROLS AND ACCOUNTING POLICIES AND PROCEDURES MANUAL.**

Councilperson Simms made a motion to accept and approve the above resolution, seconded by Councilperson DiRemigio.

Mayor Wallace called for a roll call vote. City Clerk announced the following tally. 6 yeas, 1 abstain. Trussell abstaining. Motion carried.

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

\* Mayor Wallace asked City Manager Hendershot for an update on the Ames building. City Manager Hendershot advised that Dollar Tree will be moving into part of the building. The building is being subdivided into four segments.

**MANAGER ITEMS:**

**Discussion and Approval of Water Board Appointment. (Council's Appointment)**

Manager Hendershot advised that a vacancy has occurred on the Water Board. Letters of intent from three citizens have been received by former council members Larry Clegg and David Haynes, also Mark Hitt. The Moundsville Water Board has recommended that Mark Hitt be appointed to the board.

Councilperson Trussell stated that council should follow the recommendation of the Water Board and made a motion to nominate Mr. Hitt to the vacancy, seconded by Councilperson Simms.

Mayor Wallace stated that he normally does not go against the boards recommendation, but in this case he wished to nominate former councilperson Haynes because of his interest in the City of Moundsville. Councilperson DiRemigio was in agreement with Mayor Wallace.

After some discussion on the voting process which was agreed by council to submit all three names and council will vote for the person they wish to be appointed, Mayor Wallace announced a motion has been made and seconded by appoint Mr. Hitt to the Water Board. Mayor Wallace called for a roll call vote. City Clerk announced the following tally. 6 nays, 1 yea. Trussell voting yea. Motion failed.

Councilperson DiRemigio submitted all three names for consideration: Mark Hitt, Larry Clegg and David Haynes for the vacancy on the Water Board. City Clerk announced the following tally: Clegg - 1; Hitt - 2; and Haynes - 4.

Lemasters - Clegg	Trussell - Hitt
DiRemigio - Haynes	Ward - Haynes
Oiler - Haynes	Wallace - Haynes
Simms - Hitt	

Mayor Wallace announced that David Haynes will fill the unexpired term on the Water Board.

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

\* Manager Hendershot expressed that he is pleased that West Virginia Northern Community College classes will begin soon at the Moundsville Jr. High School.

**Historic Landmark Commission Vacancy. (Manager’s Appointment)**

Manager Hendershot announced that three vacancies exist on the Historic Landmarks Commission. The following three individuals have shown interest in serving: Eric M. Anderson, Hilda Blake and Deanna McDowell. Manager Hendershot appointed the individuals to the commission.

**Legal Advertisements from Attorney Thomas White.**

Attorney White presented four certificates of publication to be received and filed by council:

- 1. Sealed Bids for Fireworks
- 2. ATV Ordinance
- 3. Election Ordinance
- 4. Unpaid Citations Ordinance

Councilperson Simms made a motion to receive and file the above certificates of publication, seconded by Councilperson Oiler. Motion carried unanimously.

**Liability Insurance Update.**

City Manager Hendershot announced that a company is going to submit a bid of approximately \$90,000 less than what Moundsville is paying now for liability insurance.

**MAYOR ITEMS:**

**Pep Club Members.**

Harold Games	Denny Wallace	Carla & TD DiLoretta
Frank Ovies	Jackie Gould	Bob Hanket
Kent McCreary		

**Patriot Pen Essay Contest Sponsored by VFW Women’s Auxiliary.**

The VFW Women’s Auxiliary sponsored a Patriot Pen Essay Contest. Winners from the Moundsville Jr High School include: First Place - Mara Nadolski; Second Place - Lacey Bonar; Third Place - Courtney Myers.

**COMMITTEE REPORTS:**

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

1. Reviewed the finances with Tom Dobbs.
2. Reviewed the funding for the Fire Department grant application through the Assistance to Firefighters Grant Program. This is a matching fund grant.

Councilperson DiRemigio asked Fire Chief Clarke to enlighten council on the grant. Chief Clarke advised that the total grant is \$51,000. The amount received from the federal was \$45,900 leaving a \$5,100 (10% match) by the city. The grant is for a cascade system to fill the Fire Department's air cylinders.

3. Discussion of Public Safety Fee being billed in January and July each year instead of February and September for previous quarters.

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

1. Handicapped request at 1305 North Street was denied.
2. Handicapped request at 609 Second Street was denied.

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

1. Discussion of the Return-To-Work Policy.
2. Discussion was held on the MS-4 Storm Water Management permit that the city will have to undertake. The City Manager and Council person Simms will be meeting with Burges and Niple to further

update  
the city  
on the  
permit.

## **Other Items to be Discussed by Council.**

### **Parks and Recreation Commission.**

\* Councilperson Lemasters advised council that the Parks and Recreation Commission met on January 15, 2004 where discussion was held concerning a problem that has arisen on the dehumidifier unit which is part of the heating system. Funding needed to replace this unit is approximately \$13,000. The City Manager and the Parks and Recreation Commission are looking into various sources of funding for this project.

### **COUNCIL ITEMS:**

\* **DiRemigio** - Nothing at this time.

\* **Lemasters** - Nothing at this time.

\* **Oiler** - Asked for an update on the Perkins Restaurant project. City Manager Hendershot advised that construction is planned to start late spring or early summer.

\* **Simms** - Wished to congratulate David Haynes on his appointment to the Water Board.

\* Wished to recognize all the department heads on their year end reports.

\* Asked City Manager Hendershot if the list of property owned by the city was still being developed? Manager Hendershot advised that Rusty Wolfe of the Municipal Building Commission has a list of approximately 59 properties. Mr. Wolfe will be submitting a proposal to council at a later date.

\* **Trussell** - Received a complaint concerning handicapped signs that need removed from residences who no longer reside at the addresses.

\* Wished to thank council and manager for the flowers when her father and aunt passed away.

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

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

Meeting adjourned at 8:03 p.m.

---

Sondra J. Hewitt, City Clerk

---

Dennis Wallace, Mayor